

TUESDAY, MAY 9, 2017

THIRTY-SEVENTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Madam Speaker Harwell.

The proceedings were opened with prayer by Ms. LaDonna Boyd.

Representative Hardaway led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present..... 86

Representatives present were Akbari, Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulse, Jernigan, Johnson, Jones, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 86

EXCUSED

The Speaker announced that the following members have been excused, pursuant to requests under **Rule No. 20**:

Representative Windle; active military duty

Representative DeBerry; business

Representative Holsclaw; personal

Representative Howell; business

Representative Terry; business

Representative Pitts; personal

Representative Wirgau; business

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 168 Rep. Curcio as prime sponsor.

House Resolution No. 171 Reps. Clemmons, Gilmore and Powell as prime sponsors.

House Joint Resolution No. 563 Rep. Howell as prime sponsor.

House Joint Resolution No. 567 Rep. Shaw as prime sponsor.

House Joint Resolution No. 568 Reps. Terry, Rudd and Sparks as prime sponsors.

House Joint Resolution No. 569 Rep. Butt as prime sponsor.

House Joint Resolution No. 570 Rep. Butt as prime sponsor.

House Joint Resolution No. 571 Rep. Gilmore as prime sponsor.

House Joint Resolution No. 572 Rep. Gilmore as prime sponsor.

House Joint Resolution No. 573 Rep. Gilmore as prime sponsor.

House Joint Resolution No. 574 Rep. Gilmore as prime sponsor.

House Joint Resolution No. 575 Rep. Gilmore as prime sponsor.

House Joint Resolution No. 576 Rep. Gilmore as prime sponsor.

House Joint Resolution No. 579 Reps. Terry and D. White as prime sponsors.

House Bill No. 22 Rep. Hardaway as prime sponsor.

House Bill No. 55 Reps. Staples, Sherrell and Daniel as prime sponsors.

House Bill No. 329 Rep. Staples as prime sponsor.

House Bill No. 331 Reps. Hardaway, Staples and Turner as prime sponsors.

House Bill No. 362 Reps. Staples, Sherrell, Doss, Calfee and Powers as prime sponsors.

House Bill No. 368 Reps. Moody and Sherrell as prime sponsors.

House Bill No. 397 Reps. Lamberth, Terry, Hardaway, Faison, Staples, Hicks, Doss, Farmer and M. White as prime sponsors.

House Bill No. 402 Rep. M. White as prime sponsor.

House Bill No. 403 Reps. Hazlewood and Hardaway as prime sponsors.

House Bill No. 408 Reps. Daniel and Hardaway as prime sponsors.

House Bill No. 418 Reps. Clemmons and Staples as prime sponsors.

House Bill No. 452 Reps. Hardaway and Sherrell as prime sponsors.

House Bill No. 466 Reps. Tillis, McCormick, Alexander, Staples, Hazlewood, M. White, Powell, Powers, Stewart, Mitchell, Thompson, Hardaway, Parkinson, Moody, Zachary and Gravitt as prime sponsors.

House Bill No. 483 Reps. Hardaway, Akbari, Camper, Miller, Parkinson and Turner as prime sponsors.

House Bill No. 553 Reps. Akbari, Hardaway, Shaw, Clemmons, Camper, Staples, Powell, Thompson and Parkinson as prime sponsors.

House Bill No. 810 Reps. Powers, Alexander, M. White, Gravitt, Butt, Hardaway, Sherrell, Kane, Zachary, Coley, Staples, K. Brooks and Thompson as prime sponsors.

House Bill No. 813 Rep. Hardaway as prime sponsor.

House Bill No. 841 Reps. Camper, Akbari, Shaw, Cooper, Love, Stewart, Hardaway, Staples, Clemmons, Eldridge, Lynn, Powell, Thompson and Parkinson as prime sponsors.

House Bill No. 910 Reps. McDaniel, Dunn, Carter, Travis and Hazlewood as prime sponsors.

House Bill No. 980 Reps. Lamberth, Hardaway, Fitzhugh, Powell, Ragan, Sanderson, H. Brooks, Kumar, Shaw, Coley, Thompson, Staples, Akbari, M. White, Powers, Clemmons, Stewart, Crawford, Cooper, Turner, Sherrell, Parkinson, Camper, Eldridge and Favors as prime sponsors.

House Bill No. 1027 Rep. Hardaway as prime sponsor.

House Bill No. 1041 Reps. Weaver, Powers, Crawford, Calfee, Alexander, Ragan and J. Sexton as prime sponsors.

House Bill No. 1169 Reps. Fitzhugh, Beck, Marsh, Powell, Eldridge, Terry, M. White, Curcio, Crawford, Sparks and K. Brooks as prime sponsors.

House Bill No. 1221 Reps. Hardaway, Curcio, Zachary, Sherrell, Lamberth and Powers as prime sponsors.

House Bill No. 1276 Reps. Gilmore, Stewart, Hardaway, Parkinson and Powell as prime sponsors.

House Bill No. 1306 Reps. Miller and Camper as prime sponsors.

House Bill No. 1353 Rep. Powers as prime sponsor.

House Bill No. 1367 Reps. Doss, Williams, Love and Holsclaw as prime sponsors.

House Bill No. 1368 Reps. Cooper, Sherrell, Akbari, Camper, Eldridge, Doss, Stewart, Byrd, M. White, Williams, Hazlewood, Butt, Calfee, Alexander, Lynn, Parkinson, Thompson, Zachary, Fitzhugh, Miller, Staples, Terry, Towns, Ragan, Love, Hicks, Gravitt, Farmer, Keisling and Powell as prime sponsors.

House Bill No. 1381 Reps. Clemmons, Parkinson, Turner, Powell, Hazlewood and Hardaway as prime sponsors.

House Bill No. 1402 Reps. Gilmore, Love, Fitzhugh, Mitchell, Parkinson, Powell, Stewart, Thompson and Jernigan as prime sponsors.

**MESSAGE FROM THE SENATE
May 9, 2017**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill No. 120; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

Senate Bill No. 120 -- Criminal Offenses - As introduced, enacts the "Organized Retail Crime Prevention Act." - Amends TCA Title 39, Chapter 14, Part 1. by *Briggs, *Bowling, *Lundberg, *Overbey. (*HB55 by *Zachary, *Lamberth, *VanHuss, *Sexton C)

**MESSAGE FROM THE SENATE
May 9, 2017**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 441, 442, 443, 444 and 446; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

Senate Joint Resolution No. 441 -- Memorials, Academic Achievement - Jasper "Jax" Stanfill, Salutatorian, Culleoka Unit School. by *Hensley.

Senate Joint Resolution No. 442 -- Memorials, Academic Achievement - Blaine Farmer, Valedictorian, Culleoka Unit School. by *Hensley.

Senate Joint Resolution No. 443 -- Memorials, Death - Daniel McKenzie Speer. by *Hensley.

Senate Joint Resolution No. 444 -- Memorials, Retirement - Dr. Karen M. Sowers. by *Massey.

Senate Joint Resolution No. 446 -- Memorials, Retirement - Don Alexander. by *Bailey.

MESSAGE FROM THE SENATE
May 9, 2017

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill No. 1059; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

***Senate Bill No. 1059** -- Public Employees - As introduced, increases the compensation from \$25,000 to a \$250,000 annuity payable in five annual installments of \$50,000, paid to the estate of a firefighter, volunteer rescue squad worker, or law enforcement officer who dies in the line of duty. - Amends TCA Title 7, Chapter 51, Part 2; Title 9 and Title 68, Chapter 140. by *Bowling, *Massey, *Bailey. (HB1368 by *Sargent, *Whitson, *Hardaway, *Powers, *Carr , *Gant, *Rudd, *Brooks K)

MESSAGE FROM THE SENATE
May 9, 2017

MADAM SPEAKER: I am directed to return to the House, House Bill No. 975; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

MESSAGE FROM THE SENATE
May 9, 2017

MADAM SPEAKER: I am directed to return to the House, House Bill No. 711; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

MESSAGE FROM THE SENATE
May 9, 2017

MADAM SPEAKER: I am directed to return to the House, House Bill No. 1306; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

MESSAGE FROM THE SENATE
May 9, 2017

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 448, 450, 451, 452, 453, 455, 456, 457, 458, 459, 460, 461 and 462; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

Senate Joint Resolution No. 448 -- Memorials, Recognition - Mt. Moriah Lodge #18, 200th anniversary. by *Ketron.

TUESDAY, MAY 9, 2017 -- THIRTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

Senate Joint Resolution No. 450 -- Memorials, Sports - Scott Wietecha, 2017 St. Jude Rock 'n' Roll Nashville Marathon. by *Haile.

Senate Joint Resolution No. 451 -- Memorials, Death - Halbert Floyd Dennis. by *Gardenhire, *Watson, *Tracy, *McNally.

Senate Joint Resolution No. 452 -- Memorials, Recognition - Johnson County Middle School Robotics Team 3075B. by *Lundberg.

Senate Joint Resolution No. 453 -- Memorials, Recognition - Oakland High School, Excellence in Action Award. by *Ketron.

Senate Joint Resolution No. 455 -- Memorials, Recognition - Watauga Avenue Presbyterian Church, 125th anniversary. by *Crowe.

Senate Joint Resolution No. 456 -- Memorials, Retirement - Dawn Eaton. by *Ketron.

Senate Joint Resolution No. 457 -- Memorials, Recognition - Trevecca Community Church of the Nazarene, seventy-fifth anniversary. by *Beavers.

Senate Joint Resolution No. 458 -- Memorials, Congratulations - Congressman David Phillip "Phil" Roe and Clarinda Jeanes, wedding. by *Crowe.

Senate Joint Resolution No. 459 -- Memorials, Recognition - University High School. by *Crowe.

Senate Joint Resolution No. 460 -- Memorials, Recognition - Aaron Spradlin. by *Beavers.

Senate Joint Resolution No. 461 -- Memorials, Recognition - John Ziegler. by *Beavers.

Senate Joint Resolution No. 462 -- Memorials, Interns - Ryan Baird. by *McNally.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolutions were introduced and placed on the Consent Calendar No. 2 for May 9, 2017:

House Resolution No. 171 -- Memorials, Recognition - Tim Shaw. by *Beck.

House Resolution No. 172 -- Memorials, Recognition - Sebastian Alexander Motes, Legislative Page, 110th General Assembly. by *Pitts.

House Joint Resolution No. 568 -- Memorials, Retirement - Paula Barnes. by *White D.

House Joint Resolution No. 569 -- Memorials, Academic Achievement - Sydney Hay, Valedictorian, Columbia Central High School. by *Curcio.

House Joint Resolution No. 570 -- Memorials, Academic Achievement - Alexis Secrest, Salutatorian, Columbia Central High School. by *Curcio.

House Joint Resolution No. 571 -- Memorials, Recognition - Former Congresswoman Diane Edith Watson of California, N.O.B.E.L. Women. by *Camper, *Akbari, *Turner, *Cooper, *Favors.

House Joint Resolution No. 572 -- Memorials, Recognition - Former State Senator Gloria Tanner of Colorado, N.O.B.E.L. Women. by *Camper, *Akbari, *Turner, *Cooper, *Favors.

House Joint Resolution No. 573 -- Memorials, Recognition - Former State Senator Diana E. Bajoie of Louisiana, N.O.B.E.L. Women. by *Camper, *Akbari, *Turner, *Cooper, *Favors.

House Joint Resolution No. 574 -- Memorials, Recognition - Former State Senator Margaret Louise Carter of Oregon, N.O.B.E.L. Women. by *Camper, *Akbari, *Turner, *Cooper, *Favors.

House Joint Resolution No. 575 -- Memorials, Recognition - Mayor Sharon Weston-Broome of Baton Rouge, Louisiana, N.O.B.E.L. Women. by *Camper, *Akbari, *Turner, *Cooper, *Favors.

House Joint Resolution No. 576 -- Memorials, Recognition - State Representative Laura Hall of Alabama, N.O.B.E.L. Women. by *Camper, *Akbari, *Turner, *Cooper, *Favors.

House Joint Resolution No. 578 -- Memorials, Academic Achievement - Elizabeth A. Mulhearn, Valedictorian, Central High School. by *Hardaway.

House Joint Resolution No. 577 -- Memorials, Academic Achievement - Roland Donnelly-Bullington, Salutatorian, Central High School. by *Hardaway.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolutions were introduced and placed on the Consent Calendar No. 3 for May 9, 2017:

House Resolution No. 170 -- Memorials, Retirement - Connie Johnson Gwinn. by *Mitchell.

House Joint Resolution No. 579 -- Memorials, Recognition - African American Heritage Society of Rutherford County. by *Sparks, *Rudd, *Towns, *Casada, *Miller.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolutions listed were noted as being placed on the Consent Calendar No. 2 for May 9, 2017:

Senate Joint Resolution No. 441 -- Memorials, Academic Achievement - Jasper "Jax" Stanfill, Salutatorian, Culleoka Unit School. by *Hensley.

Senate Joint Resolution No. 442 -- Memorials, Academic Achievement - Blaine Farmer, Valedictorian, Culleoka Unit School. by *Hensley.

Senate Joint Resolution No. 443 -- Memorials, Death - Daniel McKenzie Speer. by *Hensley.

Senate Joint Resolution No. 444 -- Memorials, Retirement - Dr. Karen M. Sowers. by *Massey.

Senate Joint Resolution No. 446 -- Memorials, Retirement - Don Alexander. by *Bailey.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolutions listed were noted as being placed on the Consent Calendar for May 10, 2017:

Senate Joint Resolution No. 448 -- Memorials, Recognition - Mt. Moriah Lodge #18, 200th anniversary. by *Ketron.

Senate Joint Resolution No. 450 -- Memorials, Sports - Scott Wietecha, 2017 St. Jude Rock 'n' Roll Nashville Marathon. by *Haile.

Senate Joint Resolution No. 451 -- Memorials, Death - Halbert Floyd Dennis. by *Gardenhire, *Watson, *Tracy, *McNally.

Senate Joint Resolution No. 452 -- Memorials, Recognition - Johnson County Middle School Robotics Team 3075B. by *Lundberg.

Senate Joint Resolution No. 453 -- Memorials, Recognition - Oakland High School, Excellence in Action Award. by *Ketron.

Senate Joint Resolution No. 455 -- Memorials, Recognition - Watauga Avenue Presbyterian Church, 125th anniversary. by *Crowe.

Senate Joint Resolution No. 456 -- Memorials, Retirement - Dawn Eaton. by *Ketron.

Senate Joint Resolution No. 457 -- Memorials, Recognition - Trevecca Community Church of the Nazarene, seventy-fifth anniversary. by *Beavers.

Senate Joint Resolution No. 458 -- Memorials, Congratulations - Congressman David Phillip "Phil" Roe and Clarinda Jeanes, wedding. by *Crowe.

Senate Joint Resolution No. 459 -- Memorials, Recognition - University High School. by *Crowe.

Senate Joint Resolution No. 460 -- Memorials, Recognition - Aaron Spradlin. by *Beavers.

Senate Joint Resolution No. 461 -- Memorials, Recognition - John Ziegler. by *Beavers.

Senate Joint Resolution No. 462 -- Memorials, Interns - Ryan Baird. by *McNally.

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 9, 2017**, reported the following:

EDUCATION INSTRUCTION AND PROGRAMS COMMITTEE

The Education Instruction & Programs Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill No. 1169 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

FINANCE, WAYS AND MEANS COMMITTEE

The Finance, Ways & Means Committee recommended for passage: House Bills Nos. 604, 1368, 1169, 629 and 1306, also House Bills Nos. 55, 22, 813, 413, 362, 261 and 1367 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

The Committee further reports that House Bill No. 1156 was considered, but failed to pass.

FINANCE, WAYS AND MEANS COMMITTEE

The Finance, Ways & Means Committee further meet and recommended for passage: House Bill No. 1067 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bills on the **Regular Calendar** for **May 9, 2017**: House Bills Nos. 93, 331, 368, 402, 403, 1221, 408, 466, 494, 684, 753, 810, 980, 1062, 1276, 1381, 1402, 910, 483, and 535.

The committee also set the following bills on the **Regular Calendar 2** for **May 9, 2017**: House Bills Nos. 841, 553, 1027, 1041, 452, 420, 1412, 333, Senate Joint Resolution No. 59, House Bills Nos. 397, 55, 362, 629, 813, 1169, 413, 261, 1368, 22, and 869.

The committee also set the following bill on the **Regular Calendar 3** for **May 9, 2017**: House Bill No. and 1367.

The committee also set the following bill on the **Regular Calendar 4** for **May 9, 2017**: House Bill No. and 1067.

It further reports that it set the following bills and resolutions on the **Consent Calendar** for **May 9, 2017**: House Bills Nos. 107, 329, 418, 778, 484, 158, 1353, 1453, 1454, Senate Joint Resolution No. 250, House Bills Nos. 1306, and 604.

CONSENT CALENDAR

***House Bill No. 107** -- Military - As introduced, requires the adjutant general to provide a burial flag, upon application, to the members of the family of a deceased person who is an active, honorably discharged, or retired member of the national guard who served at least one year. - Amends TCA Title 58, Chapter 1, Part 1. by *Windle, *Lamberth, *Jernigan, *Littleton, *Hulsey, *Sanderson, *Ramsey, *Sexton C, *Howell, *Hardaway, *DeBerry.

On motion, House Bill No. 107 was made to conform with **Senate Bill No. 1360**; the Senate Bill was substituted for the House Bill.

House Bill No. 329 -- Lottery, Scholarships and Programs - As introduced, decreases the amount of time that teachers are required to teach math or science in a public school in order to be eligible for a Tennessee HOPE teacher's scholarship from two years to one year for each year of receipt of the scholarship. - Amends TCA Section 49-4-936. by *Cooper.

On motion, House Bill No. 329 was made to conform with **Senate Bill No. 34**; the Senate Bill was substituted for the House Bill.

***House Bill No. 418** -- Criminal Procedure - As introduced, reduces from \$350 to \$180 the expunction fee for criminal convictions; revises allocation of fee proceeds. - Amends TCA Section 8-21-401 and Title 40. by *Akbari, *Lamberth, *Gilmore, *Beck, *Camper, *Love, *VanHuss, *Curcio, *Turner, *Cooper, *Goins.

House Bill No. 778 -- Private Investigators - As introduced, exempts persons who conduct background investigations solely for employment screening purposes from the licensure requirements for private investigators. - Amends TCA Title 4, Chapter 21, Part 4; Title 38; Title 47, Chapter 18, Part 17 and Title 62, Chapter 26. by *Hulsey.

On motion, House Bill No. 778 was made to conform with **Senate Bill No. 414**; the Senate Bill was substituted for the House Bill.

House Bill No. 484 -- Business Organizations - As introduced, enacts the "Tennessee Uniform Limited Partnership Act of 2017." - Amends TCA Title 61. by *Travis.

On motion, House Bill No. 484 was made to conform with **Senate Bill No. 438**; the Senate Bill was substituted for the House Bill.

TUESDAY, MAY 9, 2017 -- THIRTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

***House Bill No. 158** -- Water Pollution - As introduced, requires public water systems for which a monthly fluoride test is confirmed by quarterly laboratory analysis to exceed 1.5 mg/L to have each monthly test analyzed by a laboratory until fluoride levels are below 1.5 mg/L for three consecutive months. - Amends TCA Title 68, Chapter 221, Part 7. by *Marsh.

On motion, House Bill No. 158 was made to conform with **Senate Bill No. 683**; the Senate Bill was substituted for the House Bill.

***House Bill No. 1353** -- Highway Patrol - As introduced, requires the department of safety to pay from existing budgeted funds a monthly amount to a retired highway patrol officer for the medical care of the retired canine to whom the officer was assigned if the canine is given to the care and custody of the officer upon retirement. - Amends TCA Title 4, Chapter 7, Part 1. by *Holsclaw, *Johnson.

On motion, House Bill No. 1353 was made to conform with **Senate Bill No. 1286**; the Senate Bill was substituted for the House Bill.

House Bill No. 1453 -- Tullahoma - Subject to local approval, changes the date, from the first Thursday to the first Friday in February, by which the board of mayor and aldermen must call for an election each year; lowers the minimum age, from 21 to 18, for a person to serve as mayor or alderman; removes requirement that members of the board acquire surety bonds. - Amends Chapter 553 of the Acts of 1903; as amended. by *Matheny.

House Bill No. 1454 -- Hornsby - Subject to local approval, reduces board of mayor and aldermen from seven to five members; deletes all references to town marshal; reduces the number of readings to approve an ordinance from three to two; abolishes the position of treasurer and transfers responsibilities to the recorder; expands authority of the board of mayor and aldermen. - Amends Chapter 112 of the Private Acts of 1920; as amended. by *Shaw.

***Senate Joint Resolution No. 250** -- General Assembly, Statement of Intent or Position - Expresses support for adult immunizations. by *Crowe.

***House Bill No. 1306** -- General Assembly - As introduced, creates a special joint committee to study issues relating to the investigation and prosecution of unsolved civil rights crimes and cold cases from the civil rights era. - Amends TCA Title 3, Chapter 1, Part 1. by *Turner, *Hardaway, *Parkinson, *Mitchell, *Jernigan, *Thompson, *Akbari, *Favors, *Gilmore, *Clemmons, *Towns, *Staples, *Cooper, *Love, *Ramsey.

***House Bill No. 604** -- Tennessee Emergency Management Agency (TEMA) - As introduced, establishes that local emergency management agency personnel have all rights, benefits, privileges, and protections available pursuant to state and local laws, including death benefits in the amount of \$25,000. - Amends TCA Title 39, Chapter 13, Part 1 and Title 58. by *Halford, *Lamberth, *Matheny.

On motion, House Bill No. 604 was made to conform with **Senate Bill No. 763**; the Senate Bill was substituted for the House Bill.

House Resolution No. 168 -- Memorials, Retirement - Chief Rick Chandler, Dickson Police Department. by *Littleton.

TUESDAY, MAY 9, 2017 -- THIRTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

House Resolution No. 169 -- Memorials, Recognition - James Lee Holland. by *Keisling.

House Joint Resolution No. 563 -- Memorials, Public Service - Bradley County Sheriff's Office. by *Brooks K.

House Joint Resolution No. 564 -- Memorials, Academic Achievement - Abby Anderson, Valedictorian, Franklin Road Christian School. by *Rudd.

House Joint Resolution No. 565 -- Memorials, Academic Achievement - Christopher Montgomery, Salutatorian, Franklin Road Christian School. by *Rudd.

House Joint Resolution No. 566 -- Memorials, Recognition - S&S Wholesale Tire, 30th anniversary. by *Matlock.

House Joint Resolution No. 567 -- Memorials, Recognition - WCMT-AM/FM (Martin) and WCDZ (Dresden), 60th anniversary. by *Holt, *Sanderson.

Senate Joint Resolution No. 408 -- Memorials, Recognition - Wally's, 80th anniversary. by *Watson, *Gardenhire.

Senate Joint Resolution No. 409 -- Memorials, Recognition - MoonPie, 100th anniversary. by *Watson, *Gardenhire.

Senate Joint Resolution No. 410 -- Memorials, Recognition - Bethpage Elementary School, National Blue Ribbon School. by *Gresham.

Senate Joint Resolution No. 411 -- Memorials, Recognition - Jackson Elementary School, National Blue Ribbon School. by *Gresham.

Senate Joint Resolution No. 412 -- Memorials, Recognition - Brentwood Middle School, National Blue Ribbon School. by *Gresham.

Senate Joint Resolution No. 413 -- Memorials, Recognition - Glendale Elementary School, National Blue Ribbon School. by *Gresham.

Senate Joint Resolution No. 414 -- Memorials, Recognition - Walnut Grove Elementary School, National Blue Ribbon School. by *Gresham.

Senate Joint Resolution No. 415 -- Memorials, Recognition - John P. Freeman Optional School, National Blue Ribbon School. by *Gresham, *Harris.

Senate Joint Resolution No. 417 -- Memorials, Interns - Myah Arnelle Revis. by *Kelsey.

Senate Joint Resolution No. 418 -- Memorials, Recognition - Westvue Church of Christ, 50th anniversary. by *Tracy.

Senate Joint Resolution No. 419 -- Memorials, Recognition - Council for Alcohol and Drug Abuse Services, Inc. by *Gardenhire.

TUESDAY, MAY 9, 2017 -- THIRTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

Senate Joint Resolution No. 420 -- Memorials, Death - Sadie Olene Harbin. by *Gresham.

Senate Joint Resolution No. 421 -- Memorials, Death - Robert Wesley Wilson. by *Gresham.

Senate Joint Resolution No. 422 -- Memorials, Death - Maxwell D. Miller. by *Gresham.

Senate Joint Resolution No. 423 -- Memorials, Academic Achievement - Brandon Keith Stubbs, Valedictorian, Cumberland County High School. by *Bailey.

Senate Joint Resolution No. 424 -- Memorials, Academic Achievement - Sydney Fasha Clark, Salutatorian, Cumberland County High School. by *Bailey.

Senate Joint Resolution No. 425 -- Memorials, Academic Achievement - Hayden Welch, Top Ten Senior, White County High School. by *Bailey.

Senate Joint Resolution No. 426 -- Memorials, Academic Achievement - Megan Wilson, Valedictorian, White County High School. by *Bailey.

Senate Joint Resolution No. 427 -- Memorials, Academic Achievement - Saylor Wilson, Top Ten Senior, White County High School. by *Bailey.

Senate Joint Resolution No. 428 -- Memorials, Academic Achievement - Jacklyn Bryant, Top Ten Senior, White County High School. by *Bailey.

Senate Joint Resolution No. 429 -- Memorials, Academic Achievement - Clyde Whitaker, Top Ten Senior, White County High School. by *Bailey.

Senate Joint Resolution No. 430 -- Memorials, Academic Achievement - Trevathan Johnson, Top Ten Senior, White County High School. by *Bailey.

Senate Joint Resolution No. 431 -- Memorials, Academic Achievement - Spencer Gooch, Top Ten Senior, White County High School. by *Bailey.

Senate Joint Resolution No. 432 -- Memorials, Academic Achievement - Malik Murray, Salutatorian, White County High School. by *Bailey.

Senate Joint Resolution No. 433 -- Memorials, Academic Achievement - Kayleigh Bray, Top Ten Senior, White County High School. by *Bailey.

Senate Joint Resolution No. 434 -- Memorials, Academic Achievement - Grayson Farris, Top Ten Senior, White County High School. by *Bailey.

Senate Joint Resolution No. 435 -- Memorials, Recognition - Dickson Middle School. by *Roberts.

Senate Joint Resolution No. 436 -- Memorials, Death - Ralph Brown. by *Johnson.

Senate Joint Resolution No. 437 -- Memorials, Professional Achievement - David Shannon, president of Freed-Hardeman University. by *Beavers.

Senate Joint Resolution No. 438 -- Memorials, Heroism - Specialist Jeremy Tomlin, U.S. Army. by *Ketron, *Tracy.

Senate Joint Resolution No. 439 -- Memorials, Interns - Christian Jade Cooper. by *McNally.

Senate Joint Resolution No. 440 -- Memorials, Interns - Carter Phillips. by *McNally.

Senate Joint Resolution No. 454 -- Memorials, Retirement - John J. Sheridan. by *Massey, *Overbey.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	89
Noes.....	0

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulse, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 89

A motion to reconsider was tabled.

PRESENT IN CHAMBER

Rep. Gilmore was recorded as being present in the Chamber.

REGULAR CALENDAR

***House Bill No. 1259** -- General Assembly - As introduced, requires the office of legislative administration to offer for sale to members of the general assembly decommissioned electronic equipment of the general assembly prior to disposing of the equipment; requires the office to offer former members upon separation from office the option to purchase their electronic equipment. - Amends TCA Title 3, Chapter 13 and Title 12, Chapter 2. by *Towns. (SB1123 by *Kyle)

Further consideration of House Bill No. 1259, previously considered on the Consent Calendar for May 4, 2017, at which time it was objected to and reset for May 8, 2017, at which time it was reset for today's Calendar.

Rep. Towns moved that House Bill No. 1259 be passed on third and final consideration.

Rep. Carter moved adoption of House Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1259 by deleting SECTION 1 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 3-13-101, is amended by adding the following language as a new, appropriately designated subsection:

(1) As used in this subsection (), "electronic equipment" includes, without limitation, desktop computers, laptop computers, tablet computers, and similar electronic devices.

(2) Notwithstanding the provisions of title 12, chapter 2, part 4, the office of legislative administration shall, upon decommissioning any electronic equipment of the general assembly, transfer such electronic equipment to the secretary of state for donation to public libraries.

Rep. Towns moved that House Amendment No. 1 be tabled, which motion failed by the following vote:

Ayes	26
Noes.....	56
Present and not voting.....	2

Representatives voting aye were: Akbari, Beck, Camper, Clemmons, Cooper, Favors, Fitzhugh, Gilmore, Goins, Hulsey, Jernigan, Jones, Lamberth, Matheny, Miller, Pody, Powell, Rudd, Sanderson, Shaw, Sparks, Staples, Stewart, Thompson, Towns, Travis -- 26

Representatives voting no were: Alexander, Brooks K., Calfee, Carr, Carter, Casada, Coley, Crawford, Curcio, Dunn, Eldridge, Farmer, Forgety, Gant, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Johnson, Kane, Keisling, Kumar, Littleton, Lynn, Marsh, Matlock, McCormick, McDaniel, Mitchell, Moody, Parkinson, Powers, Ragan, Reedy,

TUESDAY, MAY 9, 2017 -- THIRTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

Rogers, Sargent, Sexton C., Sexton J., Sherrell, Smith, Swann, Tillis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 56

Representatives present and not voting were: Doss, Lollar -- 2

BILL HELD ON DESK

Rep. Towns moved that House Bill No. 1259 be held on the Clerk's desk, which motion prevailed.

EXCUSED

The Speaker announced that the following member has been excused, pursuant to request under **Rule No. 20**:

Representative Ramsey; personal

REGULAR CALENDAR, CONTINUED

House Bill No. 93 -- Constitutional Conventions - As introduced, removes limitation on the number of delegates that may be appointed to a constitutional convention. - Amends TCA Title 3, Chapter 18. by *Powers, *Brooks K. (*SB31 by *Kelsey, *Norris)

On motion, House Bill No. 93 was made to conform with **Senate Bill No. 31**; the Senate Bill was substituted for the House Bill.

Rep. Powers moved that **Senate Bill No. 31** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	70
Noes.....	10
Present and not voting.....	4

Representatives voting aye were: Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Coley, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Farmer, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulsey, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Moody, Pody, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Sherrell, Smith, Sparks, Swann, Tillis, Travis, Turner, Van Huss, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 70

Representatives voting no were: Akbari, Clemmons, Cooper, Fitzhugh, Jones, Powell, Shaw, Staples, Stewart, Towns -- 10

Representatives present and not voting were: Camper, Gant, Gilmore, Thompson -- 4

A motion to reconsider was tabled.

House Bill No. 331 -- Taxes, Income - As introduced, exempts persons who are 100 or older from the Hall income tax. - Amends TCA Title 67, Chapter 2. by *Swann. (*SB193 by *Overbey)

Rep. Swann moved that House Bill No. 331 be passed on third and final consideration.

Rep. Sargent moved adoption of Finance, Ways & Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 331 by deleting the language "For tax years beginning January 1, 2017," from Section 1 and substituting instead the language "For tax years beginning January 1, 2018,".

On motion, Finance, Ways & Means Committee Amendment No. 1 was adopted.

Rep. Swann moved that **House Bill No. 331**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	86
Noes.....	0
Present and not voting.....	1

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Thompson, Tillis, Towns, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 86

Representatives present and not voting were: Dunn -- 1

A motion to reconsider was tabled.

***House Bill No. 368** -- Teachers, Principals and School Personnel - As introduced, specifies that the rate of compensation set by an LEA for substitute teachers who are retired teachers who retired after June 30, 2011, cannot be less for retired teachers without an active teaching license than it is for retired teachers with an active teaching license. - Amends TCA Section 49-3-312. by *Zachary. (SB379 by *Briggs, *Tracy)

On motion, House Bill No. 368 was made to conform with **Senate Bill No. 379**; the Senate Bill was substituted for the House Bill.

Rep. Zachary moved that Senate Bill No. 379 be passed on third and final consideration.

Rep. H. Brooks moved that Education Administration & Planning Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Zachary moved that **Senate Bill No. 379** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 88
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 88

A motion to reconsider was tabled.

House Bill No. 402 -- Juvenile Offenders - As introduced, permits juvenile court to transfer a juvenile under 16 years of age to a criminal court of competent jurisdiction to be tried as an adult for committing an act of terrorism. - Amends TCA Section 37-1-134 and Title 39, Chapter 13, Part 8. by *Hicks. (*SB311 by *Lundberg)

On motion, House Bill No. 402 was made to conform with **Senate Bill No. 311**; the Senate Bill was substituted for the House Bill.

Rep. Hicks moved that Senate Bill No. 311 be passed on third and final consideration.

Rep. Lamberth moved the previous question, which motion prevailed.

Rep. Hicks moved that **Senate Bill No. 311** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 78
Noes..... 5

Representatives voting aye were: Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Clemmons, Coley, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulsey, Jernigan, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Stewart, Swann, Thompson, Tillis, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 78

Representatives voting no were: Cooper, Hardaway, Miller, Staples, Towns -- 5

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "aye" to "no" on **Senate Bill No. 311** and have this statement entered in the Journal: Rep. Turner.

REGULAR CALENDAR, CONTINUED

House Bill No. 403 -- Criminal Offenses - As introduced, expands the offense of child endangerment to include knowingly exposing a child to or failing to protect a child from abuse or neglect resulting in imminent danger to the child; defines imminent danger as the existence of any condition or practice that could reasonably be expected to cause death or serious bodily injury. - Amends TCA Title 39, Chapter 15, Part 4. by *Hicks, *Carter. (*SB310 by *Lundberg)

On motion, House Bill No. 403 was made to conform with **Senate Bill No. 310**; the Senate Bill was substituted for the House Bill.

Rep. Hicks moved that **Senate Bill No. 310** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 85
Noes..... 1

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Hulse, Jernigan, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Swann, Thompson, Tillis, Towns, Travis, Turner, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 85

Representatives voting no were: Van Huss -- 1

A motion to reconsider was tabled.

***House Bill No. 1221** -- Firearms and Ammunition - As introduced, authorizes district attorneys general and similar persons to carry firearms subject to training and certification requirements. - Amends TCA Section 39-17-1350. by *Hicks, *Daniel, *Williams. (SB1340 by *Bailey)

On motion, House Bill No. 1221 was made to conform with **Senate Bill No. 1340**; the Senate Bill was substituted for the House Bill.

Rep. Hicks moved that Senate Bill No. 1340 be passed on third and final consideration.

Rep. Farmer moved adoption of Civil Justice Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1340 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1350(d), is amended by adding the following as a new subdivision (4):

(A) For purposes of this section, "law enforcement officer" also means a person who has successfully completed firearms training in accordance with POST certification, which shall include, at a minimum, forty (40) hours initial training and eight (8) hours annual in-service training in firearms qualification administered by a POST-certified firearms training program and is:

(i) An elected district attorney general;

(ii) A full-time assistant district attorney general who has been authorized pursuant to subdivision (d)(4)(B);

(iii) The executive director or deputy director of the district attorneys general conference; or

(iv) A full-time, pro-tem prosecutor employed by the district attorneys general conference.

(B) Each elected district attorney general, at such district attorney general's discretion, is authorized to determine if any assistant district attorney general in the district attorney general's office or judicial district is authorized to carry a firearm pursuant to this section.

(C) The district attorneys general conference shall develop a uniform identification system clearly identifying that a person described in subdivision (d)(4)(A) is qualified under this section to carry a firearm at all times. Persons authorized by this subdivision (d)(4) to carry a firearm under this section shall carry this identification at all times the person is carrying a firearm.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.

On motion, Civil Justice Committee Amendment No. 1 was adopted.

Rep. Hicks moved that **Senate Bill No. 1340**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	85
Noes.....	0
Present and not voting.....	1

Representatives voting aye were: Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel,
1941

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Doss, Dunn, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulsey, Jernigan, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Swann, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 85

Representatives present and not voting were: Akbari -- 1

A motion to reconsider was tabled.

***House Bill No. 408** -- Uniform Laws - As introduced, modifies composition of the board of commissioners for the promotion of uniformity of legislation in the United States; specifies that all members of the board are entitled to reimbursement for travel expenses. - Amends TCA Title 4. by *Carter, *Howell. (SB452 by *Bell)

On motion, House Bill No. 408 was made to conform with **Senate Bill No. 452**; the Senate Bill was substituted for the House Bill.

Rep. Carter moved that Senate Bill No. 452 be passed on third and final consideration.

Rep. Ragan moved that Government Operations Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Carter moved that **Senate Bill No. 452** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	77
Noes.....	6
Present and not voting.....	1

Representatives voting aye were: Alexander, Brooks H., Brooks K., Byrd, Calfee, Camper, Carr, Carter, Casada, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Farmer, Favors, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulsey, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Moody, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Sherrell, Smith, Sparks, Staples, Stewart, Swann, Thompson, Tillis, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary -- 77

Representatives voting no were: Clemmons, Fitzhugh, Mitchell, Parkinson, Shaw, Towns -- 6

Representatives present and not voting were: Akbari -- 1

A motion to reconsider was tabled.

***House Bill No. 466** -- Public Employees - As introduced, authorizes the state and local governments to provide health insurance benefits to the immediate family members of first responders killed in the line of duty for a period of three years after the death of the first responder; requires the state to reimburse local governments that provide such benefits. - Amends TCA Title 8, Chapter 27. by *Lynn, *Byrd, *Rudd, *Ramsey, *Carter. (SB822 by *Haile)

Rep. Lynn moved that House Bill No. 466 be passed on third and final consideration.

Rep. Sargent moved adoption of Pensions and Insurance Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 466 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 27, Part 2, is amended by adding the following new section:

(a) As used in this section, "first responder" means paid, full-time law enforcement officers and firefighters who are employed by the state or a local government in this state. "First responder" also includes capitol police officers and employees of the Tennessee highway patrol, Tennessee bureau of investigation, and Tennessee wildlife resource agency.

(b) The state insurance committee may, in approving a health insurance plan that covers first responders, offer or continue to provide health insurance benefits to the surviving spouse and children, including any unborn child, of a first responder killed in the line of duty for a period not to exceed two (2) years after the death of the first responder.

SECTION 2. Tennessee Code Annotated, Title 8, Chapter 27, Part 4, is amended by adding the following new section:

(a) As used in this section:

(1) "First responder" means paid, full-time law enforcement officers and firefighters who are employed by a local government in this state; and

(2) "Local government" means any county, metropolitan government, municipality, or other political subdivision of this state.

(b) If a local government offers health insurance benefits to first responders, the local government may offer or continue to provide health insurance benefits to the surviving spouse and children, including any unborn child, of a first responder killed in the line of duty for a period not to exceed two (2) years after the death of the first responder.

(c) If a local government offers or provides health insurance benefits in accordance with subsection (b), the local government shall notify the commissioner of finance and administration.

(d) This state shall reimburse any local government that provides health insurance benefits in accordance with this section in an amount equal to that portion of health insurance premiums and benefits for which the local government is responsible under the health insurance policy.

SECTION 3. This act shall take effect July 1, 2017, the public welfare requiring it.

On motion, Pensions and Insurance Amendment No. 1 was adopted.

Rep. Hulseley moved that State Government Committee Amendment No. 1, as House Amendment No. 2, be withdrawn, which motion prevailed.

Rep. Lynn moved that **House Bill No. 466**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	85
Noes.....	0

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Farmer, Favors, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulseley, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Sherrell, Smith, Sparks, Staples, Swann, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 85

A motion to reconsider was tabled.

House Bill No. 494 -- Taxes, Sales - As introduced, requires certification of special census results for a municipality with regard to distribution of sales tax funds be sent to the commissioner of revenue in addition to the commissioner of finance and administration. - Amends TCA Title 67, Chapter 4 and Title 67, Chapter 6. by *Carr . (*SB409 by *Overbey, *Norris, *Southerland)

On motion, House Bill No. 494 was made to conform with **Senate Bill No. 409**; the Senate Bill was substituted for the House Bill.

Rep. Carr moved that Senate Bill No. 409 be passed on third and final consideration.

Rep. Sargent moved that Finance, Ways & Means Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Carr moved that **Senate Bill No. 409** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 87
Noes 0

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Doss, Dunn, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulsey, Jernigan, Johnson, Jones, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 87

A motion to reconsider was tabled.

***House Bill No. 684** -- Alcoholic Beverage Commission - As introduced, requires that the annual report filed by the executive director of the commission with the general assembly regarding rules promulgated by the commission be filed electronically. - Amends TCA Title 57. by *Littleton, *Ramsey. (SB703 by *Yager, *Kelsey)

On motion, House Bill No. 684 was made to conform with **Senate Bill No. 703**; the Senate Bill was substituted for the House Bill.

Rep. Littleton moved that Senate Bill No. 703 be passed on third and final consideration.

Rep. Hulsey moved adoption of State Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 703 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-3-815, is amended by deleting the last two sentences and substituting instead the following:

A wholesaler may deliver wine to the premises of a retail food store wine licensee any time at which the wholesaler and the retail food store wine licensee's manager mutually agree in accordance with the ordinary and customary practices of the two industries, regardless of whether the retail food store wine licensee is open to the public, and may deliver wine to a location upon the licensed premises as directed by the retail food store wine licensee.

SECTION 2. Tennessee Code Annotated, Section 57-3-815, is further amended by designating the existing language as subsection (a) and inserting the following as a new subsection:

(b) Notwithstanding subsection (a), a wholesaler, including the wholesaler's agents, servants, or employees, may provide merchandising assistance to a retail food store wine licensee pursuant to this subsection (b). Wholesalers may build and stock wholesaler displays of wine on the premises of a retail food store wine licensee. Wholesaler displays must not be part of the retail food store's regular shelving. Wholesalers may replenish wholesaler displays for a maximum period of one (1) month after the initial display has been installed. Wholesalers shall not price the wholesaler displays and shall not provide any other services or things of value to the retail food store wine licensee.

SECTION 3. Tennessee Code Annotated, Section 57-3-812(d), is amended by deleting the period at the end of the sentence and substituting instead the following:

; provided, that an order does not include a pre-order made by a person with a pending application for a retail food store wine license.

SECTION 4. Tennessee Code Annotated, Title 57, Chapter 5, Part 1, is amended by adding the following new section:

Any wholesale distributor of beer that has a valid wholesale license pursuant to this chapter is not required to obtain a separate license for the distribution of high alcohol content beer from the commission.

SECTION 5. Tennessee Code Annotated, Section 57-3-203(e)(1), is amended by adding the following new sentences at the end of the subdivision:

Nothing in this subdivision (e)(1) requires an employee of a wholesaler to obtain a permit unless the employee is directly involved with the delivery or sale of alcoholic beverages. Employees involved only in warehousing, administrative, or clerical services for a wholesaler are not required to obtain a permit under this subdivision (e)(1).

SECTION 6. Tennessee Code Annotated, Section 57-3-404(i), is amended by deleting the language "§ 57-3-803" and substituting instead "this chapter or any licensee licensed under chapter 4 of this title".

SECTION 7. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 8. This act shall become effective upon becoming a law, the public welfare requiring it.

On motion, State Government Committee Amendment No. 1 was adopted.

Rep. Sargent moved adoption of Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

Amendment No. 2

AMEND Senate Bill No. 703 by adding the following new sections immediately preceding the last two sections and renumbering the subsequent sections accordingly:

SECTION __. Tennessee Code Annotated, Section 57-3-204(b)(2)(A), is amended by deleting the subdivision and substituting instead the following:

(A) Who is not a bona fide resident of this state or, with respect to renewal of any license issued pursuant to this section, who has not maintained residency in this state throughout the effective period of the license for which renewal is sought;

SECTION __. Tennessee Code Annotated, Section 57-3-204(b)(3)(B), is amended by deleting the subdivision and substituting instead the following:

(B) All of its capital stock must be owned by individuals who are residents of this state or, with respect to renewal of any license issued pursuant to this section, who have maintained residency in this state throughout any portion of the effective period of the license for which renewal is sought and during which they owned such stock;

SECTION __. Tennessee Code Annotated, Section 57-3-204(b)(3)(D), is amended by deleting the subdivision and substituting instead the following:

(D) No stock of any corporation licensed under this section shall be transferred to any person who is not a resident of this state.

On motion, Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Littleton moved that **Senate Bill No. 703**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	66
Noes.....	16
Present and not voting.....	5

Representatives voting aye were: Akbari, Beck, Brooks K., Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hazlewood, Hicks, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lynn, Marsh, Matheny, McDaniel, Miller, Mitchell, Parkinson, Powell, Ragan, Reedy, Rogers, Sanderson, Sargent, Sexton C., Shaw, Smith, Sparks, Staples, Stewart, Swann, Thompson, Tillis, Towns, Travis, Turner, Weaver, White D., Whitson, Williams, Madam Speaker Harwell -- 66

Representatives voting no were: Brooks H., Byrd, Calfee, Doss, Dunn, Hawk, Hill M., Hill T., Holt, Lollar, Matlock, Sexton J., Sherrell, Van Huss, White M., Zachary -- 16

Representatives present and not voting were: Alexander, Butt, Pody, Powers, Rudd -- 5

A motion to reconsider was tabled.

***House Bill No. 753** -- Professions and Occupations - As introduced, authorizes the department of commerce and insurance to consider certain criminal convictions by members of entities and organizations applying for scrap metal dealer registration in determining approval of such registration; exempts employees and agents of licensed scrap metal dealers from registration. - Amends TCA Title 62, Chapter 9. by *Goins, *Matheny. (SB820 by *Southerland, *Bailey)

On motion, House Bill No. 753 was made to conform with **Senate Bill No. 820**; the Senate Bill was substituted for the House Bill.

Rep. Goins moved that Senate Bill No. 820 be passed on third and final consideration.

Rep. Marsh moved that Business and Utilities Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Goins moved that **Senate Bill No. 820** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	87
Noes	0

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulse, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Zachary, Madam Speaker Harwell -- 87

A motion to reconsider was tabled.

***House Bill No. 810** -- Criminal Offenses - As introduced, enacts the "Elderly and Vulnerable Adult Protection Act." - Amends TCA Title 39; Title 40 and Title 71. by *Keisling, *Carr, *Halford, *Byrd, *Favors, *Cooper, *Littleton, *Moody, *Gilmore. (SB1230 by *Norris, *Crowe, *McNally)

Rep. Keisling moved that House Bill No. 810 be passed on third and final consideration.

Rep. C. Sexton moved that Health Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Lamberth moved that Criminal Justice Committee Amendment No. 1, as House Amendment No. 2, be withdrawn, which motion prevailed.

Rep. Sargent moved adoption of Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 3, as follows:

Amendment No. 3

AMEND House Bill No. 810 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Elderly and Vulnerable Adult Protection Act."

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 15, is amended by adding the following as a new part:

39-15-501.

As used in this part, unless the context otherwise requires:

(1) "Caregiver":

(A) Means a relative or a person who has a legal duty to provide care, or who has assumed such duty by contract or conduct that a reasonable person would interpret as an assumption of the responsibility for an elderly or vulnerable adult's care; and

(B) Does not include a financial institution as a caregiver of property, funds, or other assets unless the financial institution has entered into an agreement, or has been appointed by a court of competent jurisdiction, to act as a trustee with regard to the property of the adult;

(2) "Elderly adult" means a person seventy (70) years of age or older;

(3) "Financial exploitation" means:

(A) The use of deception, intimidation, undue influence, force, or threat of force to obtain or exert unauthorized control over an elderly or vulnerable adult's property with the intent to deprive the elderly or vulnerable adult of property;

(B) The breach of a fiduciary duty to an elderly or vulnerable adult by the person's guardian, conservator, or agent under a power of attorney which results in an appropriation, sale, or transfer of the elderly or vulnerable adult's property; or

(C) The act of obtaining or exercising control over an elderly or vulnerable adult's property by a caregiver committed with intent to benefit the caregiver or other third party;

(4) "Relative" means a spouse; child, including stepchild, adopted child, or foster child; parent, including stepparent, adoptive parent, or foster parent; sibling of the whole or half-blood; step-sibling; grandparent, of any degree; grandchild, of any degree; and aunt, uncle, niece, and nephew, of any degree, who:

(A) Resides with or has frequent or prolonged contact with the elderly or vulnerable adult; and

(B) Knows or reasonably should know that the elderly or vulnerable adult is unable to adequately provide for the adult's own care or financial resources; and

(5) "Vulnerable adult" means a person eighteen (18) years of age or older who, because of intellectual disability or physical dysfunction, is unable to fully manage the person's own resources, carry out all or a portion of the activities of daily living, or fully protect against neglect, exploitation, or hazardous or abusive situations without assistance from others.

39-15-502.

(a) It is an offense for any person to knowingly financially exploit an elderly or vulnerable adult.

(b) A violation of this section shall be punished as theft pursuant to § 39-14-105; provided, however, that the violation shall be punished one (1) classification higher than is otherwise provided in § 39-14-105.

(c)

(1) If a person is charged with financial exploitation that involves the taking or loss of property valued at more than five thousand dollars (\$5,000), a prosecuting attorney may file a petition with the circuit, general sessions, or chancery court of the county in which the defendant has been charged to freeze the funds, assets, or property of the defendant in an amount up to one hundred percent (100%) of the alleged value of funds, assets, or property in the defendant's pending criminal proceeding for purposes of restitution to the victim. The hearing on the petition may be held ex parte if necessary to prevent additional exploitation of the victim.

(2) Upon a showing of probable cause in the ex parte hearing, the court shall issue an order to freeze or seize the funds, assets, or property of the defendant in the amount calculated pursuant to subdivision (c)(1). A copy of the freeze or seize order shall be served upon the defendant whose funds, assets, or property has been frozen or seized.

(3) The court's order shall prohibit the sale, gifting, transfer, or wasting of the funds, assets, or property of the elderly or vulnerable adult, both real and personal, owned by, or vested in, such person, without the express permission of the court.

(4) At any time within thirty (30) days after service of the order to freeze or seize funds, assets, or property, the defendant or any person claiming an interest in the funds, assets, or property may file a motion to release the funds, assets, or property. The court shall hold a hearing on the motion no later than ten (10) days from the date the motion is filed.

(d) In any proceeding to release funds, assets, or property, the state has the burden of proof, by a preponderance of the evidence, to show that the defendant used, was using, is about to use, or is intending to use any funds, assets, or property in any way that constitutes or would constitute an offense under subsection (a). If the court finds that any funds, assets, or property were being used, are about to be used, or are intended to be used in any way that constitutes or would constitute an offense under subsection (a), the court shall order the funds, assets, or property frozen or held until further order of the court.

(e) If the prosecution of a charge under subsection (a) is dismissed or a nolle prosequi is entered, or if a judgment of acquittal is entered, the court shall vacate the order to freeze or seize the funds, assets, or property.

(f) In addition to other remedies provided by law, an elderly or vulnerable adult in that person's own right, or by conservator or next friend, has a right of recovery in a civil action for financial exploitation or for theft of the person's money or property whether by fraud, deceit, coercion, or otherwise. The right of action against a wrongdoer shall not abate or be extinguished by the death of the elderly or vulnerable adult, but passes as provided in § 20-5-106, unless the alleged wrongdoer is a relative, in which case the cause of action passes to the victim's personal representative.

39-15-503.

For purposes of determining whether an offense was committed under § 39-15-502:

(1) Any transfer of property valued in excess of one thousand dollars (\$1,000) in a twelve-month period, whether in a single transaction or multiple transactions, by an elderly or vulnerable adult to a non-relative whom the transferor has known for fewer than two (2) years before the first transfer and for which the transferor did not receive reciprocal value in goods or services creates a permissive inference that the transfer was effectuated without the effective consent of the owner.

(2) Subdivision (1) applies regardless of whether the transfer or transfers are denoted by the parties as a gift or loan except that it shall not apply to a valid loan evidenced in writing and which includes definite repayment dates. In the event repayment of any such loan is in default,

in whole or in part, for more than sixty (60) days, the inference described in subdivision (1) applies. Subdivision (1) does not apply to persons or entities that operate a legitimate financial institution.

(3) This section does not apply to valid charitable donations to nonprofit organizations qualifying for tax exempt status under the internal revenue code.

(4) A court shall instruct jurors that they may, but are not required to, infer that the transfer of money or property was effectuated without the effective consent of the owner, with the intent to deprive the owner of the money or property, upon proof beyond a reasonable doubt of the facts listed in subdivision (1). The court shall also instruct jurors that they may find a defendant guilty only if persuaded that each element of the offense has been proved beyond a reasonable doubt.

39-15-504.

In cases where an alleged offense under this part or under title 71, chapter 6, part 1 has been committed against an elderly or vulnerable adult, upon the state's motion, the court shall conduct a hearing to preserve the testimony of the victim within sixty (60) days of the defendant's initial court appearance whether the case originates in general sessions court or criminal court.

39-15-505.

(a) An elderly or vulnerable adult victim's inability to attend judicial proceedings due to illness, or other mental or physical disability, shall be considered exceptional circumstances upon the state's motion to preserve testimony pursuant to Rule 15 of the Tennessee Rules of Criminal Procedure.

(b) The court shall consider an affidavit executed by the elderly or vulnerable adult's treating physician stating that the elderly or vulnerable adult is unable to attend court due to illness or other mental or physical disability as prima facie evidence of the need to preserve witness testimony by the taking of the adult's out-of-court deposition.

(c) The court shall order the defendant's attendance to the out-of-court deposition. The defendant may waive the defendant's attendance in writing.

39-15-506.

(a)

(1) Following a conviction for a violation of § 39-15-502, the clerk of the court shall notify the department of health of the conviction by sending a copy of the judgment in the manner set forth in § 68-11-1003 for inclusion on the registry pursuant to title 68, chapter 11, part 10.

(2) Upon receipt of a judgment of conviction for a violation of an offense set out in subdivision (a)(1), the department shall place the person or persons convicted on the registry of persons who have abused, neglected, or financially exploited an elderly or vulnerable adult as provided in § 68-11-1003(c).

(3) Upon entry of the information in the registry, the department shall notify the person convicted, at the person's last known mailing address, of the person's inclusion on the registry. The person convicted shall not be entitled or given the opportunity to contest or dispute either the prior hearing conclusions or the content or terms of any criminal disposition, or attempt to refute the factual findings upon which the conclusions and determinations are based. The person convicted may challenge the accuracy of the report that the criminal disposition has occurred, such hearing conclusions were made, or any factual issue related to the correct identity of the person. If the person convicted makes such a challenge within sixty (60) days of notification of inclusion on the registry, the commissioner, or the commissioner's designee, shall afford the person an opportunity for a hearing on the matter that complies with the requirements of due process and the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(b)

(1) In addition to any other punishment that may be imposed for a violation of § 39-15-502, the court shall impose a fine of not less than one thousand dollars (\$1,000). The fine shall not exceed the maximum fine established for the appropriate offense classification.

(2) The person convicted shall pay the fine to the clerk of the court imposing the sentence, who shall transfer it to the district attorney of the judicial district in which the case was prosecuted. The district attorney shall credit the fine to a fund established for the purpose of educating, enforcing, and providing victim services for elderly and vulnerable adult prosecutions.

SECTION 3. Tennessee Code Annotated, Section 39-14-111, is deleted in its entirety.

SECTION 4. Tennessee Code Annotated, Section 40-35-313(a)(1)(B)(i)(c), is amended by deleting the language "a violation of § 71-6-117 or § 71-6-119" and substituting instead the language "a violation of § 71-6-117, § 71-6-119, or § 39-15-502".

SECTION 5. Tennessee Code Annotated, Section 71-6-117(a), is amended by deleting the language "abuse, neglect or exploit" and substituting instead the language "abuse or neglect".

SECTION 6. Tennessee Code Annotated, Section 71-6-120(h), is amended by deleting the language "71-6-117" and substituting instead the language "39-15-502".

SECTION 7. Tennessee Code Annotated, Section 71-6-124(a)(1), is amended by deleting the language "§ 71-6-117" wherever it appears and substituting instead the language "§ 71-6-117 or § 39-15-502".

SECTION 8. For the purposes of promulgating rules required by this act, this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2017, the public welfare requiring it.

On motion, Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 3, was adopted.

Rep. Keisling moved that **House Bill No. 810**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 88
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulse, Jernigan, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 88

A motion to reconsider was tabled.

House Bill No. 980 -- Lottery, Scholarships and Programs - As introduced, creates the Tennessee middle college scholarship, funded by net lottery proceeds. - Amends TCA Title 49, Chapter 4. by *Travis, *Calfee, *Miller, *Love. (*SB720 by *Yager, *McNally, *Bailey, *Bowling, *Gresham, *Haile, *Jackson, *Massey, *Norris, *Overbey, *Stevens, *Yarbro)

On motion, House Bill No. 980 was made to conform with **Senate Bill No. 720**; the Senate Bill was substituted for the House Bill.

Rep. Travis moved that Senate Bill No. 720 be passed on third and final consideration.

Rep. Forgety moved that Education Instruction & Programs Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Sargent moved that Finance, Ways & Means Committee Amendment No. 1, as House Amendment No.2, be withdrawn, which motion prevailed.

Rep. Sargent moved that Finance, Ways & Means Committee Amendment No. 2, as House Amendment No.3, be withdrawn, which motion prevailed.

Rep. Byrd moved the previous question, which motion prevailed.

Rep. Travis moved that **Senate Bill No. 720** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 87
Noes..... 1

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 87

Representatives voting no were: Holt -- 1

A motion to reconsider was tabled.

House Bill No. 1062 -- Advertising - As introduced, adds a definition for the term "footprint." - Amends TCA Title 54, Chapter 21. by *Sanderson, *Daniel, *Alexander, *McCormick. (*SB526 by *Southerland)

On motion, House Bill No. 1062 was made to conform with **Senate Bill No. 526**; the Senate Bill was substituted for the House Bill.

Rep. Sanderson moved that Senate Bill No. 526 be passed on third and final consideration.

Rep. Doss moved that Transportation Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Sanderson moved that **Senate Bill No. 526** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 81
Noes..... 1

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulsey, Johnson, Jones, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Moody, Pody, Powell, Powers, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Thompson, Tillis, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 81

Representatives voting no were: Mitchell -- 1

A motion to reconsider was tabled.

***House Bill No. 1276** -- Public Contracts - As introduced, clarifies that the chief procurement officer may transmit in electronic format the annual report to the governor and to each member of the general assembly concerning the awarding of purchases to minority-owned business, woman-owned business, service-disabled veteran-owned business, or small business and the total value of awards made during the preceding fiscal year under the Tennessee Minority-Owned, Woman-Owned and Small Business Procurement and Contracting Act. - Amends TCA Title 4 and Title 12. by *Daniel, *Jernigan. (SB1224 by *Massey, *Yager)

Rep. Daniel moved that House Bill No. 1276 be passed on third and final consideration.

Rep. Hulseby moved adoption of State Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1276 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 12-3-401(b), is amended by adding the language "business owned by persons with disabilities," immediately after the language "service-disabled veteran-owned business," and by deleting the language "§ 12-3-514 [See Compiler's Notes]" and substituting instead the language "§ 12-3-1102".

SECTION 2. Tennessee Code Annotated, Section 12-3-503(c), is amended by adding the language "business owned by persons with disabilities," immediately after the language "service-disabled veteran-owned business,".

SECTION 3. Tennessee Code Annotated, Section 12-3-514(g), is amended by adding the language "business owned by persons with disabilities," immediately after the language "Tennessee service-disabled veteran-owned business," wherever it appears.

SECTION 4. Tennessee Code Annotated, Section 12-3-1101, is amended by adding the language ", Service-Disabled Veteran-Owned, Business Owned by Persons with Disabilities," immediately after the language "Woman-Owned".

SECTION 5. Tennessee Code Annotated, Section 12-3-1102, is amended by deleting subdivision (9) and the word "Tennessee" wherever it appears, and by adding the following language as new subdivisions:

() "Business owned by persons with disabilities" means a business owned by a person with a disability that is a continuing, independent, for-profit business that performs a commercially useful function, and is at least fifty-one percent (51%) owned and controlled by one (1) or more persons with a disability; or, in the case of any publicly owned business, at least fifty-one percent (51%) of

the stock of which is owned and controlled by one (1) or more persons with a disability and whose management and daily business operations are under the control of one (1) or more persons with a disability;

() "Person with a disability" means an individual who meets at least one (1) of the following:

(A) Has been diagnosed as having a physical or mental disability resulting in marked and severe functional limitations that is expected to last no less than twelve (12) months;

(B) Is eligible to receive social security disability insurance (SSDI); or

(C) Is eligible to receive supplemental security income (SSI) and has a disability as defined in subdivision () (A);

SECTION 6. Tennessee Code Annotated, Section 12-3-1103, is amended by deleting subsection (a) and substituting instead the following:

(a) The procurement commission is authorized to adopt rules and regulations establishing criteria and standards for minority-owned businesses, woman-owned businesses, service-disabled veteran-owned businesses, businesses owned by persons with disabilities, and small businesses that are eligible to be included under this part. The rules and regulations must include methods by which eligibility can be verified and the business deemed certified.

SECTION 7. Tennessee Code Annotated, Section 12-3-1103, is amended by deleting the word "Tennessee" wherever it appears.

SECTION 8. Tennessee Code Annotated, Section 12-3-1104, is amended by adding the language "business owned by persons with disabilities," immediately after the language "service-disabled veteran-owned business," wherever it appears.

SECTION 9. Tennessee Code Annotated, Section 12-3-1104(a), is amended by deleting subdivision (2) and substituting instead the following:

(2) The amount of fair proportion shall be recommended annually by the governor's office of diversity business enterprises to the procurement commission for its review and approval. In annually determining the amount of fair proportion, the procurement commission shall establish, based on the recommendation of the governor's office of diversity business enterprises, a separate amount of fair proportion for each of the five (5) subcategories of businesses identified in § 12-3-1102: minority-owned businesses, woman-owned businesses, service-disabled veteran-owned businesses, businesses owned by persons with disabilities, and small businesses. Nothing in this part establishes any mandatory goal or quota with respect to minority-owned businesses, woman-owned businesses, service-disabled veteran-owned businesses, businesses owned by persons with disabilities, or small businesses.

SECTION 10. Tennessee Code Annotated, Section 12-3-1105, is amended by adding the language "business owned by persons with disabilities," immediately after the language "service-disabled veteran-owned business," wherever it appears.

SECTION 11. Tennessee Code Annotated, Section 12-3-1106, is amended by adding the language "business owned by persons with disabilities," immediately after the language "service-disabled veteran-owned business," wherever it appears.

SECTION 12. Tennessee Code Annotated, Section 12-3-1107, is amended by adding the language "business owned by persons with disabilities," immediately after the language "service-disabled veteran-owned business," wherever it appears.

SECTION 13. Tennessee Code Annotated, Section 12-3-1107(b), is amended by deleting the language "four (4)" and substituting instead the language "five (5)" wherever it appears.

SECTION 14. Tennessee Code Annotated, Section 12-3-1112, is amended by deleting subsection (b) and substituting instead the following:

(b) The office of diversity business enterprises shall assist small businesses and businesses owned by minorities, women, service-disabled veterans, and persons with disabilities to develop into viable, successful businesses. This work shall include assisting these businesses to compete successfully for the state's expenditures for goods and services.

SECTION 15. Tennessee Code Annotated, Section 12-3-1112, is amended by deleting the word "Tennessee" wherever it appears.

SECTION 16. Tennessee Code Annotated, Section 12-3-1112, is amended by deleting subsection (e) and substituting instead the following:

(e) The small business advocate within the office of the comptroller of the treasury shall be qualified by training or relevant and recent experience in administering programs to encourage and enhance economic opportunities for minority-owned businesses, woman-owned businesses, service-disabled veteran-owned businesses, businesses owned by persons with disabilities, and small businesses. At least annually, the advocate shall attend training or other specialized instruction to enhance understanding of the particular obstacles impeding minority-owned businesses, woman-owned businesses, service-disabled veteran-owned businesses, businesses owned by persons with disabilities, and small businesses from normal entry into the economic mainstream. The training shall be provided by the governor's office of diversity business enterprises in the normal course of business as part of the regular training program for state agencies. When the advocate position is filled by reassigning a current employee, such employee shall receive the requisite training prior to assuming advocate duties.

SECTION 17. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, State Government Committee Amendment No. 1 was adopted.

Rep. Miller moved adoption of House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1276 by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 12-3-1107(a), is amended by adding the following as a new subdivision:

() The total dollar amount of purchases awarded to all businesses in the state.

On motion, House Amendment No. 2 was adopted.

Rep. T. Hill moved that House Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Daniel moved that **House Bill No. 1276**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 87
Noes 0

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 87

A motion to reconsider was tabled.

House Bill No. 1381 -- Public Buildings - As introduced, requires that edges of steps into public buildings constructed, purchased, or leased by the state or its political subdivisions be marked with yellow paint to assist persons with vision impairment. - Amends TCA Title 68. by *Jernigan, *Daniel, *Ramsey, *Whitson. (*SB1079 by *Lundberg, *Yager)

Rep. Jernigan moved that House Bill No. 1381 be passed on third and final consideration.

Rep. Hulsey moved that State Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Sargent moved adoption of Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

Amendment No. 2

AMEND House Bill No. 1381 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 120, Part 1, is amended by adding the following as a new section:

(a)

(1) This section applies to any:

(A) Public building constructed by the state or its political subdivisions on or after July 1, 2017;

(B) Existing public building for which exterior or interior renovations to any area intended for use by the general public are approved by the state building commission on or after July 1, 2017; and

(C) Public buildings purchased by the state on or after July 1, 2017.

(2) This section does not apply to any public building listed on the national register of historic places or the Tennessee register of historic places.

(b) All stair steps leading into a public entrance of a public building must have detectable nosings of a contrasting color. The texture and color must be applied at a width of not less than one inch (1") and not more than two inches (2") for the entire length of the edge of each stair step.

(c) The nosing of stairs must be modified in accordance with this section no later than ninety (90) days after a public building is constructed, renovated, or purchased, as applicable.

(d) Notwithstanding this section, a public entity of the state exercising control over a public building of historical significance may apply for and receive a waiver from the requirements of this section from the state building commission.

(e) For purposes of this section:

(1) "Public building":

(A) Means any building or structure owned by the state or its political subdivisions that is used by the general public for providing or receiving public benefits or public services; and

(B) Does not include any building, structure, or improved area owned by the state or its political subdivisions used by the general public as a place of gathering or amusement, including theaters, auditoriums, restaurants, hotels, factories, stadiums, shopping areas, convention centers, and all other places of public accommodations; and

(2) "Public entrance":

(A) Means the main entrance to a public building; and

(B) Does not include any secondary entrance to a public building, including any entrance primarily used by employees.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.

On motion, Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Jernigan moved that **House Bill No. 1381**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 89
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 89

A motion to reconsider was tabled.

TUESDAY, MAY 9, 2017 -- THIRTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

House Bill No. 1402 -- Criminal Offenses - As introduced, instructs a court to calculate the gross income or value to the defendant of an involuntary labor victim's labor or services using the reasonable market value of the labor or services provided by the victim. - Amends TCA Title 39. by *Clemmons, *Kane, *Howell, *Whitson, *White M, *Sparks, *Curcio. (*SB1415 by *Dickerson, *Kyle, *Harris, *Yarbro)

On motion, House Bill No. 1402 was made to conform with **Senate Bill No. 1415**; the Senate Bill was substituted for the House Bill.

Rep. Clemmons moved that Senate Bill No. 1415 be passed on third and final consideration.

Rep. Lamberth moved that Criminal Justice Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Clemmons moved that **Senate Bill No. 1415** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	86
Noes.....	3

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulse, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sargent, Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Zachary, Madam Speaker Harwell -- 86

Representatives voting no were: Carter, Sexton C., Williams -- 3

A motion to reconsider was tabled.

House Bill No. 910 -- Taxes, Gasoline, Petroleum Products - As introduced, removes statutory allocations to the general fund from certain fuel tax revenues; reallocates certain allocations. - Amends TCA Title 67, Chapter 3, Part 9. by *Wirgau. (*SB230 by *Green, *Bailey)

Rep. McDaniel moved that House Bill No. 910 be passed on third and final consideration.

Rep. Sargent moved adoption of Finance, Ways & Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 910 by deleting all language after the enacting clause and substituting instead the following: SECTION 1. Tennessee Code Annotated,

1962

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

Section 67-3-901, is amended by deleting subsection (g) and substituting instead the following:

(g) Prior to the apportionment set out in subsections (b), (c), (d) and (f), there shall be apportioned for distribution to the wildlife resources fund an amount equal to five thousand three hundred forty-four ten-thousandths of one percent (0.5344%) of the taxes collected under § 67-3-201, exclusive of tax revenues resulting from the three cents (3¢) per gallon gasoline tax increase imposed by chapter 46 of the Public Acts of 1989 and all tax revenues resulting from the gasoline tax increase imposed by chapter ___ of the Public Acts of 2017 (SB 1221/HB 534).

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.

On motion, Finance, Ways & Means Committee Amendment No. 1 was adopted.

Rep. McDaniel moved that **House Bill No. 910**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	86
Noes.....	0
Present and not voting.....	1

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Swann, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 86

Representatives present and not voting were: Lynn -- 1

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **House Bill No. 910** and have this statement entered in the Journal: Rep. Carter.

REGULAR CALENDAR, CONTINUED

House Bill No. 483 -- Juvenile Offenders - As introduced, establishes a progressive truancy intervention program in K-12 schools that involves tiers of prejuvenile court programs designed to keep a truant child out of the juvenile court system. - Amends TCA Title 49, Chapter 6, Part 30. by *Forgety, *Sparks. (*SB196 by *Overbey)

On motion, House Bill No. 483 was made to conform with **Senate Bill No. 196**; the Senate Bill was substituted for the House Bill.

Rep. Forgety moved that Senate Bill No. 196 be passed on third and final consideration.

Rep. Byrd moved that Education Instruction & Programs Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Sargent moved that Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, be withdrawn, which motion prevailed.

Rep. Forgety moved that **Senate Bill No. 196** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes.....	0

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulse, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 89

A motion to reconsider was tabled.

***House Bill No. 535** -- Uniform Commercial Code - As introduced, creates a streamlined process for certain public officials to contest Uniform Commercial Code financing statements that they believe to lack any legal basis. - Amends TCA Title 47, Chapter 9, Part 5. by *Lamberth, *Powers, *Towns, *Sargent. (SB726 by *Kelsey)

On motion, House Bill No. 535 was made to conform with **Senate Bill No. 726**; the Senate Bill was substituted for the House Bill.

Rep. Lamberth moved that Senate Bill No. 726 be passed on third and final consideration.

Rep. Travis moved that Insurance and Banking Committee Amendment No. 1 be withdrawn, which motion prevailed.

TUESDAY, MAY 9, 2017 -- THIRTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

Rep. Sargent moved that Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, be withdrawn, which motion prevailed.

Rep. Lamberth moved that **Senate Bill No. 726** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	87
Noes	0

Representatives voting aye were: Akbari, Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 87

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following members desire to change their original stand from "not voting" to "aye" on **Senate Bill No. 726** and have this statement entered in the Journal: Reps. Carter and Daniel.

PRESENT IN CHAMBER

Rep. Terry was recorded as being present in the Chamber.

REGULAR CALENDAR NO. 2

***House Bill No. 841** -- Education - As introduced, enacts the "K-12 Block Grant Act," which distributes block grants to each LEA to improve the quality of education; appropriates \$250 million from excess state tax revenues over collected in fiscal years 2015-2016 and 2016-2017 for K-12 block grants. - Amends TCA Title 9 and Title 49. by *Fitzhugh, *Miller. (SB831 by *Yarbro)

Rep. Fitzhugh moved that House Bill No. 841 be passed on third and final consideration.

Rep. K. Brooks moved adoption of Finance, Ways & Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 841 by deleting all language after the enacting clause and substituting instead the following:

1965

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

SECTION 1. This act shall be known, and may be cited as, the "Education Investment Act."

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 3, Part 3, is amended by adding the following language as a new section:

(a) The education investment endowment fund is created. The education investment endowment fund shall be established and funded under the following terms and conditions:

(1) The fund shall be a revocable trust that the state treasurer shall administer. The attorney general and reporter shall approve the terms of the trust instrument. The trust shall consist of the education investment endowment account and the education investment special reserve account;

(2) The trustees of the trust shall be as follows:

(A) The state treasurer;

(B) The comptroller of the treasury;

(C) The secretary of state;

(D) The commissioner of education; and

(E) The commissioner of finance and administration;

(3) The state treasurer shall serve as the chair of the trustees and shall preside over all meetings and proceedings of the trustees;

(4) The trust may invest in any security or investment in which the Tennessee consolidated retirement system is permitted to invest; provided, that investments by the trust shall be governed by the investment policies and guidelines adopted by the trustees of the trust in accordance with this section. The state treasurer shall be responsible for the investment and reinvestment of trust funds in accordance with the policies and guidelines established by the trustees;

(5) The initial deposit to the education investment endowment account shall constitute the principal of the trust. Trust income, as defined in this section, shall not increase, or constitute an addition to, the principal of the trust, but shall be placed in the education investment special reserve account;

(6) The principal of the trust shall not be expended for any purpose but may be transferred to the revenue fluctuation reserve in accordance with subsection (b). Trust income shall be expended only to fund the kindergarten through grade twelve (K-12) block grant program

and pay expenses incurred in administering and investing the trust assets;

(7) Any trust income not allocated or distributed to the beneficiaries of the K-12 block grant program shall be maintained in the education investment special reserve account and may be subject to future allocations and distributions in accordance with this section;

(8) Any funds transferred or appropriated for the K-12 block grant program after the initial deposit shall be placed in the education investment special reserve account of the trust. Unexpended funds remaining in the trust in any fiscal year, whether principal or funds in the education investment special reserve account shall not revert to the general fund;

(9) The funds transferred to this trust may be commingled with, co-invested with, and invested or reinvested with other assets transferred to the trust. All or a portion of the trust may be invested, reinvested and co-invested with other funds, not a part of the trust, that are held by the state treasurer, including, but not limited to, assets of the Tennessee consolidated retirement system and the state pooled investment fund established pursuant to title 9, chapter 4, part 6. The state treasurer shall account for such trust funds in one (1) or more separate accounts in accordance with this section and other law; and

(10) Notwithstanding any law to the contrary, all funds placed in the education investment special reserve account shall be available for allocation and distribution as authorized in this section and in section 3 of this act only to the extent that funds are available in the education investment special reserve account special reserve account, and the state shall not be liable for any amount in excess of such sum. All requests for withdrawals for the payment of program funding that are presented to the state treasurer shall be used only to fund the K-12 block grant program. Such requests for withdrawals shall not be commingled with requests for withdrawals presented to the state treasurer for any other purpose, and the individual or entity requesting the withdrawal of funds shall attest to the same upon presentation of the request for withdrawal to the state treasurer.

(b) Upon recommendation of the commissioner of finance and administration, moneys in the education investment endowment fund may be transferred to the revenue fluctuation reserve in any year in which the revenue fluctuation reserve is used to meet unexpected shortfalls of revenues; provided, that any transfer shall be made in accordance with an appropriations act approved by the general assembly.

(c) For the purposes of this section, "trust income" means the income from the trust's investment portfolio from whatever source derived, including, but not limited to, interest, dividends, and realized capital gains or losses;

SECTION 3. Tennessee Code Annotated, Title 49, Chapter 3, Part 3, is amended by adding the following language as a new section:

(a) The department of education shall administer a kindergarten through grade twelve (K-12) block grant program.

(b) K-12 block grants are supplemental to BEP funding.

(c) From moneys in the education investment special reserve account available on August 1, 2019, and on each August 1 thereafter, the department shall distribute grants to each LEA based on the prior year ADM of the LEA.

(d) Each LEA may use block grant funds to improve the quality of education within the LEA in a manner deemed appropriate by the local board of education and consistent with the eligible purposes identified by the department.

(e) Eligible purposes for grant funds shall include priority areas identified in the ESSA state plan and may include other purposes approved by the department; provided, that no block grant funds shall be used for salaries or other recurring expenditures.

(f) By February 1, 2020, and on each February 1 thereafter, each LEA shall submit a written report on the use of block grant funds to the department, the state board of education, the finance, ways and means committees of the senate and the house of representatives, the education committee of the senate, the education administration and planning committee of the house of representatives, and the director of the office of legislative budget analysis.

SECTION 4. Section 3 of this act shall take effect January 1, 2019, the public welfare requiring it. All other sections of this act shall take effect July 1, 2018, the public welfare requiring it.

On motion, Finance, Ways & Means Committee Amendment No. 1 was adopted.

Rep. Kumar moved adoption of House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 841 by deleting the word "and" at the end of subdivision (a)(9) in Section 2, replacing the period at the end of subdivision (a)(10) with the language "; and", and adding the following as a new subdivision (11):

(11) By February 1, 2019, and on each February 1 thereafter, the state treasurer shall submit a written report on all investments, reinvestments, deposits, transfers, appropriations, balances, withdrawals, expenses, allocations, distributions, and trust income generated each fiscal year in the education investment endowment fund to the education administration and planning committee of the house of representatives and to the education committee of the senate.

On motion, House Amendment No. 2 was adopted.

Rep. Byrd moved the previous question, which motion prevailed.

Rep. Fitzhugh moved that **House Bill No. 841**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	56
Noes.....	30
Present and not voting.....	1

Representatives voting aye were: Akbari, Beck, Brooks H., Brooks K., Byrd, Camper, Carr, Clemmons, Coley, Cooper, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Hardaway, Hicks, Hill M., Hill T., Hulsey, Jernigan, Johnson, Jones, Keisling, Lollar, Love, Lynn, Marsh, Matheny, McCormick, McDaniel, Miller, Mitchell, Parkinson, Powell, Ragan, Rogers, Sexton J., Shaw, Smith, Staples, Stewart, Swann, Thompson, Towns, Travis, Turner, Van Huss, White M., Whitson -- 56

Representatives voting no were: Alexander, Butt, Calfee, Carter, Casada, Crawford, Curcio, Daniel, Gravitt, Halford, Hawk, Holt, Kane, Kumar, Lamberth, Littleton, Matlock, Moody, Pody, Reedy, Sanderson, Sexton C., Sherrell, Sparks, Terry, Tillis, Weaver, White D., Williams, Zachary -- 30

Representatives present and not voting were: Madam Speaker Harwell -- 1

A motion to reconsider was tabled.

***House Bill No. 553** -- Education, Higher - As introduced, creates the Initiative on HBCUs to focus on ways to support programs and initiatives that will increase the number of graduates from HBCUs in the state; authorizes the initiative to consult with the Consortium of Historically Black Colleges and Universities to ensure the initiative meets its goal. - Amends TCA Section 4-3-733 and Title 49, Chapter 7. by *Love, *Miller. (SB562 by *Tate, *Harris)

Rep. Love moved that House Bill No. 553 be passed on third and final consideration.

Rep. H. Brooks moved adoption of Education Administration & Planning Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 553 by deleting all language after the caption of the bill and substituting instead the following:

WHEREAS, historically black colleges and universities (HBCUs) have made historic and ongoing contributions to the general welfare and prosperity of our country; and

WHEREAS, America's HBCUs, for over one hundred fifty years, have produced leaders in business, government, academia, and the military and have provided generations of men and women with hope and educational opportunity; and

WHEREAS, 105 HBCUs are located in twenty states, the District of Columbia, and the U.S. Virgin Islands and serve more than 300,000 undergraduate and graduate students; and

WHEREAS, these institutions continue to be important engines of economic growth and community service, and they are proven ladders of intergenerational advancement for men and women of all ethnic, racial, and economic backgrounds, especially African Americans; and

WHEREAS, these institutions also produce a high number of baccalaureate recipients who go on to assume leadership and service roles in their communities and who successfully complete graduate and professional degree programs; and

WHEREAS, in February 2010, President Obama signed Executive Order 13532 to highlight excellence, innovation, and sustainability of HBCUs, using partnerships with federal agencies and departments and the private sector to sustain the important work of HBCUs; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 2, is amended by adding the following language as a new section:

(a) The "Initiative on Historically Black Colleges and Universities (HBCUs)" or "initiative", as used in this section, is an organizational unit of the commission, established and administered by the executive director for the purpose of providing oversight to focus on ways to strengthen the capacity of historically black colleges and universities to provide the highest quality education, increase opportunities for these institutions to participate in and benefit from state programs, and ensure that Tennessee has the highest proportion of college graduates from HBCUs in the country. The initiative shall operate in consultation with the consortium of historically black colleges and universities, pursuant to Part 29 of this chapter.

(b) The initiative shall work with state departments, agencies, offices, the private sector, educational associations, philanthropic organizations, and other partners to increase the capacity of HBCUs to provide the highest quality education to a greater number of students, and to take advantage of these institutions' capabilities in serving the state's needs through five (5) core tasks:

(1) Strengthening the capacity of HBCUs to participate in state programs;

(2) Fostering enduring private-sector initiatives and public-private partnerships while promoting specific areas and centers of academic research and programmatic excellence throughout all HBCUs;

(3) Improving the availability, dissemination, and quality of information concerning HBCUs to inform public policy and practice;

(4) Sharing administrative and programmatic practices within the consortium for the benefit of all; and

(5) Exploring new ways of improving the relationship between the state and HBCUs.

(c)

(1) The commission is authorized and directed to provide all necessary and appropriate guidance, assistance, and support to facilitate strategy development and coordinated implementation by the initiative and the partnership to accomplish the respective and mutual key tasks of the initiative as outlined in subsection (b).

(2) In furtherance of subdivision (c)(1), the commission may enter into one (1) or more memoranda of cooperation with the initiative and the partnership on terms deemed by the commission to be appropriate, mutually beneficial, and in the best interest of the consortium and the partnership.

(d) All state departments and agencies are encouraged to create an annual plan of its efforts to strengthen the capacity of HBCUs through increased participation in appropriate federal programs and initiatives. Where appropriate, each agency plan shall address, among other things, the agency's proposed efforts to:

(1) Establish how the department or agency intends to increase the capacity of HBCUs to compete effectively for grants, contracts, or cooperative agreements and to encourage HBCUs to participate in state programs;

(2) Identify state programs and initiatives in which HBCUs may be either underserved or underused as national resources, and improve HBCUs' participation therein; and

(3) Encourage public-sector, private-sector, and community involvement in improving the overall capacity of HBCUs.

(e) If a department or agency creates an annual plan pursuant to subsection (d), then the department or agency shall:

(1) Provide appropriate measurable objectives and, after the first year, shall annually assess that department's or agency's performance on the goals set in the previous year's agency plan; and

(2) Provide a written summary of the objectives and goals to the education committee of the senate and the education administration and planning committee of the house of representatives within thirty (30) days of the annual assessment required in subdivision (e)(1).

(f) The initiative may establish a board of advisors to consist of no more than twenty-five (25) members appointed by the commission. The board shall include representatives of a variety of sectors, including philanthropy, education, business, finance, entrepreneurship, innovation, and private foundations, as well as sitting HBCU presidents. The board may advise the commission and the initiative in the following areas:

(1) Improving the identity, visibility, and distinctive capabilities and overall competitiveness of HBCUs;

(2) Engaging the philanthropic, business, government, military, homeland security, and education communities in a dialogue regarding new HBCU programs and initiatives;

(3) Improving the ability of HBCUs to remain fiscally secure institutions that can assist the state in reaching its educational goals;

(4) Elevating the public awareness of HBCUs; and

(5) Encouraging public-private investments in HBCUs.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Education Administration & Planning Committee Amendment No. 1 was adopted.

Rep. Love moved that **House Bill No. 553**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	85
Noes.....	0
Present and not voting.....	1

Representatives voting aye were: Akbari, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hicks, Hill M., Hill T., Holt, Hulsey, Jernigan, Johnson, Jones, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 85

Representatives present and not voting were: Alexander -- 1

A motion to reconsider was tabled.

***House Bill No. 1027** -- Coroners - As introduced, removes the Tennessee medical examiner advisory council from its wind down period so it will not terminate on June 30, 2017; extends council to June 30, 2018; renames and restructures the council into a 21-member body with broad authority to disapprove administrative action and legislative proposals affecting medical examiners from department of health and state chief medical examiner. - Amends TCA Title 4, Chapter 29, Part 2 and Title 38, Chapter 7, Part 2. by *Love. (SB1016 by *Gardenhire)

On motion, House Bill No. 1027 was made to conform with **Senate Bill No. 1016**; the Senate Bill was substituted for the House Bill.

Rep. Love moved that Senate Bill No. 1016 be passed on third and final consideration.

Rep. Faison moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1016 by deleting SECTION 3 and substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 38-7-201, is amended by deleting the section and substituting instead the following:

(a)

(1) There is created the Tennessee state medical examiner advisory council, referred to in this section as the "council."

(2)

(A) The council shall consist of twelve (12) members, each of whom shall be a resident of this state.

(B) The director of the Tennessee bureau of investigation shall be a permanent member of the council.

(C) The governor shall appoint members to the council as follows:

(i) Three (3) representatives from regional forensic centers;

(ii) One (1) district attorney general;

(iii) One (1) district public defender;

(iv) Three (3) county medical examiners, one (1) from each grand division of Tennessee;

(v) One (1) licensed funeral director; and

(vi) One (1) county mayor.

(D) The state chief medical examiner shall serve as an ex officio, voting member of the council.

(E) All regular appointments to the council shall be for terms of three (3) years each, with a maximum of two (2) consecutive terms. Each member shall serve until a successor is appointed. Vacancies shall be filled by appointment of the governor for the remainder of an unexpired term.

(b) Each member of the council shall receive reimbursement for travel expenses in accordance with the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

(c) The council shall organize annually, and the state chief medical examiner shall serve as chair. The council may select other officers as needed. Meetings shall be held at least annually with additional meetings as frequently as may be required.

(d) The council shall have the power and duty to:

(1) Review candidates and make a recommendation to the commissioner of health on the appointment of the state chief medical examiner and deputy state medical examiners;

(2) Assist the state chief medical examiner in the development and updating of guidelines for death investigations and forensic autopsies in this state, to be promulgated as rules through the department of health;

(3) Issue an annual report on death investigations in this state;

(4) Periodically review standards and guidelines promulgated by the department of health for the medical examiner system; and

(5) Provide reports and recommendations to the commissioner on:

(A) Causes of death that may require public health intervention;

(B) Funding issues;

(C) Information technology needs; and

(D) Any other issues as determined by the council.

On motion, Government Operations Committee Amendment No. 1 was adopted.

Rep. Love moved that **Senate Bill No. 1016**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 88
Noes 1

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulse, Jernigan, Johnson, Jones, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 88

Representatives voting no were: Kane -- 1

A motion to reconsider was tabled.

***House Bill No. 1041** -- Sentencing - As introduced, establishes a sentencing enhancement factor for defendants who are aliens illegally or unlawfully in the United States and who have previously been deported for committing a criminal offense. - Amends TCA Title 40. by *Gant, *Reedy, *Travis, *Moody, *Hill T, *Hawk, *Zachary, *Casada, *Johnson, *Carter, *Sexton C, *Marsh, *Hill M, *Faison, *Goins, *Littleton, *VanHuss, *Sherrell, *Holsclaw, *Eldridge, *Kane, *Carr, *Matlock, *Tillis, *Lollar, *Daniel, *Williams, *Hazlewood, *Matheny, *Butt, *Coley, *McDaniel, *Byrd. (SB1260 by *Norris, *Bell, *Stevens)

Rep. Gant moved that House Bill No. 1041 be passed on third and final consideration.

Rep. Lamberth moved adoption of Criminal Justice Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1041 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-35-114, is amended by adding the following as a new subdivision:

At the time the instant offense was committed, the defendant was an alien illegally or unlawfully in the United States;

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.

On motion, Criminal Justice Committee Amendment No. 1 was adopted.

Rep. Williams moved the previous question, which motion failed by the following vote:

Ayes	56
Noes.....	29

Representatives voting aye were: Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Casada, Curcio, Daniel, Doss, Eldridge, Farmer, Fitzhugh, Gant, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Hulsey, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McDaniel, Moody, Pody, Powers, Ragan, Reedy, Sargent, Sexton C., Sexton J., Sherrell, Smith, Swann, Terry, Tillis, Travis, Van Huss, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 56

Representatives voting no were: Akbari, Alexander, Beck, Camper, Clemmons, Coley, Cooper, Dunn, Faison, Favors, Gilmore, Hardaway, Holt, Jernigan, Jones, Miller, Mitchell, Parkinson, Powell, Rudd, Sanderson, Shaw, Sparks, Staples, Stewart, Thompson, Towns, Turner, Weaver -- 29

After further discussion, Rep. Johnson moved the previous question, which motion prevailed.

Rep. Gant moved that **House Bill No. 1041**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	66
Noes.....	17
Present and not voting.....	1

Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Coley, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Forgety, Gant, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulsey, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matlock, McCormick, McDaniel, Moody, Pody, Powers, Ragan, Reedy, Rogers, Rudd, Sargent, Sexton C., Sexton J., Sherrell, Smith, Swann, Terry, Tillis, Travis, Van Huss, Weaver, White D., Whitson, Williams, Zachary, Madam Speaker Harwell -- 66

Representatives voting no were: Akbari, Beck, Camper, Clemmons, Cooper, Gilmore, Hardaway, Jones, Miller, Mitchell, Parkinson, Powell, Staples, Stewart, Thompson, Towns, Turner -- 17

Representatives present and not voting were: White M. -- 1

A motion to reconsider was tabled.

***House Bill No. 452** -- Sentencing - As introduced, increases penalty for unlawfully possessing a firearm with a prior conviction for a felony involving use of force or violence from Class C felony to Class B felony; increases from Class D felony to Class C felony penalty for person unlawfully possessing firearm with prior felony drug offense; increases penalty for unlawfully possessing a handgun with a prior felony from Class E felony to Class D felony; makes person convicted of unlawfully possessing a firearm with a prior conviction involving use of force or violence ineligible for probation. - Amends TCA Title 39, Chapter 17, Part 13 and Title 40, Chapter 35, Part 3. by *Eldridge, *Wirgau, *VanHuss, *Sexton C, *Lamberth, *Carter, *Keisling. (SB1241 by *Norris, *Overbey)

Rep. Eldridge moved that House Bill No. 452 be passed on third and final consideration.

Rep. Lamberth moved adoption of Criminal Justice Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 452 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1307, is amended by deleting subdivisions (b)(2) and (b)(3) and substituting instead the following:

(2) An offense under subdivision (b)(1)(A) is a Class B felony.

(3) An offense under subdivision (b)(1)(B) is a Class C felony.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it, and shall apply to any person committing an applicable offense on or after July 1, 2017.

On motion, Criminal Justice Committee Amendment No. 1 was adopted.

Rep. Eldridge moved that **House Bill No. 452**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 81
Noes..... 6

Representatives voting aye were: Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Clemmons, Coley, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, McCormick, McDaniel, Moody, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Staples, Stewart, Swann, Terry, Thompson, Tillis, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 81

Representatives voting no were: Akbari, Camper, Miller, Mitchell, Parkinson, Towns -- 6

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "aye" to "no" on **House Bill No. 452** and have this statement entered in the Journal: Rep. Turner.

REGULAR CALENDAR NO 2., CONTINUED

***House Bill No. 420** -- Unclaimed Property - As introduced, enacts the "Uniform Unclaimed Property Act." - Amends TCA Title 30; Title 45; Title 48; Title 56; Title 66 and Title 67. by *Farmer. (SB371 by *Overbey)

Rep. Farmer moved that House Bill No. 420 be passed on third and final consideration.

Rep. Moody moved that Civil Justice Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Sargent moved that Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, be withdrawn, which motion prevailed.

Rep. Farmer moved that House Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Farmer moved that the House consider House Amendment No. 4, which motion prevailed by the following vote:

Ayes	84
Noes.....	0

Representatives voting aye were: Akbari, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 84

Rep. Farmer moved adoption of House Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 420 by deleting subdivision (11) in 66-29-102 of Section 1 and substituting instead the following:

(11) "Insurance company" means an insurer, not-for-profit hospital and medical corporation regulated under title 56, chapter 29, health maintenance organization, fraternal benefit society, or any person or entity required to obtain a certificate of authority or similar license from the department of commerce and insurance under title 56 in order to issue or enter into contracts of insurance in this state. "Insurance company" also includes any person or entity that has regulatory approval in its state of domicile to issue or enter into contracts of insurance and that would be required to obtain a certificate of authority or similar license from the department of commerce and insurance under title 56 if it issued or entered into contracts of insurance in this state;

AND FURTHER AMEND by deleting subdivision (24)(B)(vi) in 66-29-102 of Section 1 and substituting instead the following:

(vi) An amount that has become due and payable by an insurance company in accordance with the terms of the applicable contract or as otherwise determined by this part;

AND FURTHER AMEND by deleting 66-29-104 of Section 1 in its entirety and substituting instead the following:

66-29-104.

The treasurer may promulgate rules pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to carry out this part.

AND FURTHER AMEND by deleting the language ", other than property specified in § 66-29-106," from subsection (b) in 66-29-105 of Section 1.

AND FURTHER AMEND by deleting the language "and" in subdivision (b)(6) in 66-29-113 of Section 1, and by deleting the language "exists." in subdivision (b)(7) in 66-29-113 of Section 1, and by substituting instead the language:

exists; and

(8) The apparent owner has another property with the holder to which § 66-29-105(a)(5) applies, for which the name and address on file with the holder for the apparent owner is the same, and for which the apparent owner has:

(A) Communicated in writing with the holder; or

(B) Otherwise indicated an interest under this section and if the holder communicates in writing with the apparent owner with regard to the property that would otherwise be abandoned at the address to which communications regarding the other property regularly are sent.

AND FURTHER AMEND by deleting subdivision (c)(1) in 66-29-114 of Section 1 and substituting instead the following:

(1) A death master file match occurs if the criteria for a match are satisfied as provided by the Unclaimed Life Insurance Benefits Act, compiled in title 56, chapter 7, part 34;

AND FURTHER AMEND by deleting subdivision (c)(4) in Section 66-29-114 of Section 1 and substituting instead the following:

(4) In the event a death master file match occurs, the insurance company that has a potential obligation as a result of the death of the insured or annuitant shall comply with the requirements of § 56-7-3404(b) upon discovering the match.

AND FURTHER AMEND by deleting 66-29-125 in its entirety of Section 1 and substituting instead the following:

66-29-125.

(a) The report under § 66-29-123 must be filed before May 1 of each year and report property held as of December 31 of the preceding year.

(b) Before the date for filing the report under § 66-29-123, the holder of property presumed abandoned may request the treasurer to extend the time for filing. The treasurer may grant an extension for good cause. If the extension is granted, the holder may pay or make a partial payment of the amount the holder estimates ultimately will be due. The payment or partial payment terminates accrual of interest on the amount paid.

AND FURTHER AMEND by deleting subsection (a) in 66-29-142 of Section 1 and substituting instead the following:

(a) The treasurer shall sell or otherwise liquidate a security no sooner than eight (8) months, but no later than one (1) year, after receiving the security and giving the apparent owner notice under § 66-29-130(b)(1) and (2) that the treasurer holds the security.

AND FURTHER AMEND by deleting subsection (b) in 66-29-152 of Section 1 and substituting instead the following:

(b) The treasurer may waive the requirement in subsection (a) to file a claim and pay or deliver property directly to an agency, local government, public institution of higher education, or local education agency, of this state if:

(1) The entity receiving the property or payment is shown to be the same entity as the apparent owner included on a report filed under § 66-29-123; and

(2) The treasurer reasonably believes the entity is entitled to receive the property or payment.

AND FURTHER AMEND by deleting 66-29-143 of Section 1 in its entirety and substituting instead "66-29-143 [RESERVED]".

AND FURTHER AMEND by deleting subsection (a) in 66-29-154 of Section 1 and substituting instead the following:

(a) Not later than thirty (30) days after a claim is approved by the treasurer under § 66-29-153, the treasurer shall pay or deliver to the owner the property or the net proceeds from a sale of the property, together with dividends, interest, or other increments to which the owner is entitled under § 66-29-137. On request of the owner, the treasurer may sell or liquidate a security and pay the net proceeds to the owner, regardless of whether the security has been held by the treasurer for less than eight (8) months or the treasurer has not complied with the notice requirements under § 66-29-142.

AND FURTHER AMEND by deleting the language "that the putative holder believes is illegal, unjust, incorrect, or in error, in whole or in part," in 66-29-168 of Section 1.

AND FURTHER AMEND by deleting the language "(a)(3)" in 66-29-178(a) from Section 1.

AND FURTHER AMEND by deleting the language "act" and substituting instead the language "part" wherever it may appear in 66-29-114(d), 66-29-140(a), and 66-29-184 of Section 1.

AND FURTHER AMEND by deleting Section 2 and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Title 45, 48, 56, 66, and 67, and § 30-3-113(a) and (b), are amended by deleting the language "Uniform Disposition of Unclaimed Property Act" wherever it may appear and substituting instead "Uniform Unclaimed Property Act".

AND FURTHER AMEND by deleting Section 7 and substituting instead the following:

SECTION 7. For purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2017, the public welfare requiring it.

AND FURTHER AMEND by deleting 66-29-140(b) in its entirety and redesignating the subsequent subsection accordingly.

On motion, House Amendment No. 4 was adopted.

Rep. Farmer moved that **House Bill No. 420**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 89
Noes..... 0

Representatives voting aye were: Akbari, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 89

A motion to reconsider was tabled.

***House Bill No. 1412** -- Education - As introduced, requires the council to prepare an annual report on the amount of money spent to meet the purposes of the Tennessee council for career and technical education. - Amends TCA Title 49, Chapter 11, Part 2. by *Brooks H. (SB1418 by *Tracy, *Bowling)

On motion, House Bill No. 1412 was made to conform with **Senate Bill No. 1418**; the Senate Bill was substituted for the House Bill.

Rep. H. Brooks moved that Senate Bill No. 1418 be passed on third and final consideration.

Rep. Smith moved that Education Administration & Planning Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. H. Brooks moved that **Senate Bill No. 1418** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 85
Noes..... 0

Representatives voting aye were: Akbari, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Clemmons, Coley, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Zachary, Madam Speaker Harwell -- 85

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **Senate Bill No. 1418** and have this statement entered in the Journal: Rep. Whitson.

1982

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

REGULAR CALENDAR NO. 2, CONTINUED

***House Bill No. 333** -- Boards and Commissions - As introduced, changes the date on which assessments of costs in disciplinary cases conducted by agencies connected to the division of regulatory boards become final and subject to judgment and execution from 30 to 35 days from the date of the assessment. - Amends TCA Title 55; Title 56, Chapter 1 and Title 62, Chapter 6. by *Doss. (SB292 by *Tracy)

Rep. Doss moved that House Bill No. 333 be passed on third and final consideration.

Rep. Marsh moved adoption of Business and Utilities Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 333 by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 56-1-302(a), is amended by deleting subdivision (2) and substituting the following:

(2) Employ all consultants, investigators, inspectors, legal counsel, and other personnel necessary to staff and carry out the functions of the boards, and assign the personnel in a manner designed to ensure their most efficient use, excluding the board of pharmacy and the state board for licensing contractors;

SECTION 2. Tennessee Code Annotated, Section 56-1-306, is amended by deleting the section and substituting the following:

Any employment of personnel by the director for the division of regulatory boards shall be in accordance with rules of the departments of personnel and finance and administration.

SECTION 3. Tennessee Code Annotated, Section 62-6-107, is amended by designating the existing language as subsection (a) and adding the following as new subsections:

(b) The board shall retain and establish the qualifications and compensation for investigators, inspectors, and other staff requiring professional qualifications. All members of the board's staff requiring professional qualifications shall serve at the pleasure of the board.

(c) Any expenditure by the board under this section shall be subject to approval by the commissioner of finance and administration, pursuant to the board's annual budget submitted to the commissioner of commerce and insurance and approved by the commissioner of finance and administration.

SECTION 4. Tennessee Code Annotated, Section 62-6-111(j)(10), is amended by adding the following language immediately after the existing language in the subdivision:

The system shall include the use of inspectors who are employed by the board under § 62-6-107(b).

SECTION 5. Tennessee Code Annotated, Section 62-6-406(g)(1), is amended by adding the following language immediately after the existing language in the subdivision:

The system shall include the use of inspectors who are employed by the board under § 62-6-107(b).

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Business and Utilities Committee Amendment No. 1 was adopted.

Rep. Doss moved that **House Bill No. 333**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 87
Noes..... 0

Representatives voting aye were: Akbari, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulsey, Jernigan, Johnson, Jones, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 87

A motion to reconsider was tabled.

***Senate Joint Resolution No. 59** -- General Assembly, Statement of Intent or Position - Urges President Donald J. Trump and Congress to distribute federal transportation funding to the states by block grant. by *Beavers, *Bell, *Bowling, *Crowe, *Gardenhire, *Jackson, *Roberts, *Southerland, *Bailey.

Rep. Weaver moved that the House concur in Senate Joint Resolution No. 59.

Rep. Pody moved the previous question, which motion prevailed.

Rep. Weaver moved that the House concur in **Senate Joint Resolution No. 59**, which motion prevailed by the following vote:

Ayes	66
Noes.....	17

Representatives voting aye were: Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Coley, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Forgety, Gant, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulsey, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matlock, McDaniel, Moody, Pody, Powers, Ragan, Reedy, Rogers, Rudd, Sargent, Sexton C., Sexton J., Sherrell, Smith, Sparks, Swann, Terry, Tillis, Travis, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 66

Representatives voting no were: Akbari, Camper, Clemmons, Cooper, Favors, Gilmore, Hardaway, McCormick, Miller, Mitchell, Parkinson, Powell, Shaw, Staples, Stewart, Towns, Turner -- 17

A motion to reconsider was tabled.

***House Bill No. 397** -- Driver Licenses - As introduced, requires that driver licenses be printed in vertical format for persons under 21 years of age; authorizes licensees to replace vertical format license with horizontal one upon reaching 21 years of age for the cost of a duplicate license. - Amends TCA Title 55, Chapter 50, Part 3. by *Dunn. (SB384 by *Massey)

On motion, House Bill No. 397 was made to conform with **Senate Bill No. 384**; the Senate Bill was substituted for the House Bill.

Rep. Dunn moved that **Senate Bill No. 384** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	83
Noes.....	1

Representatives voting aye were: Akbari, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 83

Representatives voting no were: Rudd -- 1

A motion to reconsider was tabled.

***House Bill No. 55** -- Criminal Offenses - As introduced, enacts the "Organized Retail Crime Prevention Act." - Amends TCA Title 39, Chapter 14, Part 1. by *Zachary, *Lamberth, *VanHuss, *Sexton C. (SB120 by *Briggs, *Bowling, *Lundberg, *Overbey)

On motion, House Bill No. 55 was made to conform with **Senate Bill No. 120**; the Senate Bill was substituted for the House Bill.

Rep. Zachary moved that Senate Bill No. 120 be passed on third and final consideration.

Rep. Lamberth moved adoption of Criminal Justice Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 120 by deleting subsections (h) and (i) in SECTION 1 in their entireties.

AND FURTHER AMEND by deleting the effective date section and substituting instead the following:

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.

On motion, Criminal Justice Committee Amendment No. 1 was adopted.

Rep. Sargent moved adoption of Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

Amendment No. 2

AMEND Senate Bill No. 120 by adding the following language after the last sentence of subsection (b) of SECTION 1:

"Stored value card" does not include a prepaid card usable at multiple, unaffiliated merchants or at automated teller machines, or both.

AND FURTHER AMEND by deleting subsection (f) in SECTION 1 and renumbering the subsequent subsection accordingly.

On motion, Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Sargent moved adoption of Finance, Ways & Means Committee Amendment No. 2, as House Amendment No. 3, as follows:

Amendment No. 3

TUESDAY, MAY 9, 2017 -- THIRTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

AMEND Senate Bill No. 120 by deleting subsection (d) in the amendatory language of Section 1 and redesignating the remaining subsections accordingly.

On motion, Finance, Ways & Means Committee Amendment No. 2, as House Amendment No. 3, was adopted.

Rep. Marsh moved the previous question, which motion prevailed.

Rep. Zachary moved that **Senate Bill No. 120**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 87
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulse, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 87

A motion to reconsider was tabled.

***House Bill No. 362** -- Environment and Conservation, Department of - As introduced, prohibits the department from issuing any permit that has not first been reviewed by the general assembly in the same manner as a rule under the Uniform Administrative Procedures Act. - Amends TCA Title 4; Title 11; Title 59; Title 60; Title 62; Title 68 and Title 69. by *Zachary, *Reedy, *Lollar, *Tillis, *Faison, *Holt, *Halford, *Mitchell, *Hawk. (SB295 by *Briggs)

Rep. Zachary moved that House Bill No. 362 be passed on third and final consideration.

Rep. Halford moved that Agriculture and Natural Resources Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Faison requested that Government Operations Committee Amendment No. 1, as House Amendment No. 2, be placed at the heel of the amendments.

Rep. Sargent requested that Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 3, be placed at the heel of the amendments.

Rep. Faison moved adoption of House Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 362 by deleting all language after the enacting clause and substituting instead the following:

1987

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

SECTION 1. Tennessee Code Annotated, Section 69-3-108(s), is amended by adding the following language at the end of the subsection:

These numeric or narrative effluent limitations to manage post-construction stormwater shall be adopted by the board as rules pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. No NPDES permit regulating a local government entity's municipal separate storm sewer system shall be issued pursuant to § 69-3-108, until after the rules required by Section 1 of this act take effect.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, House Amendment No. 4 was adopted.

Rep. Faison moved that Government Operations Committee Amendment No. 1, as House Amendment No. 2, be withdrawn, which motion prevailed.

Rep. Sargent moved that Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 3, be withdrawn, which motion prevailed.

Rep. Zachary moved that **House Bill No. 362**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	78
Noes.....	7

Representatives voting aye were: Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matlock, McCormick, McDaniel, Mitchell, Moody, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Swann, Thompson, Tillis, Travis, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 78

Representatives voting no were: Clemmons, Gilmore, Hardaway, Parkinson, Stewart, Towns, Turner -- 7

A motion to reconsider was tabled.

***House Bill No. 629** -- Health Care - As introduced, creates the state palliative care and quality of life task force. - Amends TCA Title 4; Title 63 and Title 68. by *Kumar, *Staples, *Jernigan, *Powell, *Daniel, *Gant, *Favors. (SB1170 by *Hensley, *Crowe, *Jackson, *Briggs)

On motion, House Bill No. 629 was made to conform with **Senate Bill No. 1170**; the Senate Bill was substituted for the House Bill.

Rep. Kumar moved that Senate Bill No. 1170 be passed on third and final consideration.

Rep. C. Sexton moved that Health Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Kumar moved that **Senate Bill No. 1170** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes.....	0

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 90

A motion to reconsider was tabled.

House Bill No. 813 -- Forfeiture of Assets - As introduced, expands the reporting requirements for the annual civil asset forfeiture report provided by the department of safety to certain committees of the general assembly. - Amends TCA Title 40, Chapter 33, Part 2. by *Hulsey, *Faison, *Daniel. (*SB644 by *Lundberg, *Gardenhire)

On motion, House Bill No. 813 was made to conform with **Senate Bill No. 644**; the Senate Bill was substituted for the House Bill.

Rep. Hulsey moved that Senate Bill No. 644 be passed on third and final consideration.

Rep. Farmer moved that Civil Justice Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Farmer moved that Civil Justice Committee Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Lamberth moved adoption of Criminal Justice Committee Amendment No. 1, as House Amendment No. 3, as follows:

Amendment No. 3

AMEND Senate Bill No. 644 by deleting SECTION 3 of the bill and substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 40-33-204, is amended by adding the following new subsection:

(j) A person asserting a claim to property for which a forfeiture warrant has been issued by a magistrate or judicial commissioner may appeal the forfeiture warrant within ten (10) days of issuance for review by the general sessions court. On appeal, the general sessions court shall review the issuance of the forfeiture warrant within ten (10) days of the appeal being filed. If the person appeals to the general sessions court, the thirty-day period in which the person may file a claim with the applicable agency, pursuant to § 40-33-206, shall not begin until the general sessions court has ruled on the appeal.

On motion, Criminal Justice Committee Amendment No. 1, as House Amendment No. 3, was adopted.

Rep. Sargent moved adoption of Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 4, as follows:

Amendment No. 4

AMEND Senate Bill No. 644 by deleting Section 3 and substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 40-33-204, is amended by adding the following new subsection (j):

(1) A person in possession of, a secured party of, or an owner of property for which a forfeiture warrant has been issued by a magistrate or judicial commissioner may appeal the forfeiture warrant within ten (10) days of issuance for review by the general sessions court in the county in which the seizure occurred. On appeal, the general sessions court shall conduct a hearing and review the issuance of the forfeiture warrant within ten (10) days of the appeal being filed.

(2) Notwithstanding subsection (g), if a forfeiture warrant was issued by a magistrate or judicial commissioner, the warrant, a copy of the affidavit, and the notice of seizure shall not be sent to the applicable agency until:

(A) Seven (7) business days after the time period to appeal the forfeiture warrant has ended and no appeal has been filed; or

(B) Seven (7) business days after the general sessions judge has affirmed the issuance of the forfeiture warrant, if the warrant was appealed.

On motion, Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 4, was adopted.

Rep. Hulseby moved that **Senate Bill No. 644**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 86
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Eldridge, Faison, Farmer, Favors, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulseby, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Love, Lynn, Marsh, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 86

A motion to reconsider was tabled.

House Bill No. 1169 -- Education - As introduced, changes from September 15 to October 15 the date by which a public institution of higher education operating a hearing center must submit a written report to the Tennessee higher education commission and the education committees of the senate and house of representatives regarding patient service. - Amends TCA Title 4 and Title 49. by *Swann, *Rudd. (*SB864 by *Haile)

Rep. Swann moved that House Bill No. 1169 be passed on third and final consideration.

Rep. H. Brooks moved that Education Administration & Planning Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Forgety moved adoption of Education Instruction & Programs Committee Amendment No. 1, as House Amendment No. 2, as follows:

Amendment No. 2

AMEND House Bill No. 1169 by deleting all the language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 10, is amended by adding the following language as a new section:

(a) This section shall be known and may be cited as the "Senator Douglas Henry Tennessee History Act."

(b) The general assembly finds that:

(1) It is essential for all citizens to know and understand the unique heritage and history of the state of Tennessee;

(2) A clear and full understanding of Tennessee's history is fundamental to understanding Tennessee's place in the United States and the world; and

(3) Providing and promoting Tennessee history should be a core mission of our system of education.

(c) Beginning with the 2018-2019 school year, the state board of education shall require a course in Tennessee history for students.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to the 2018-2019 school year and each school year thereafter.

On motion, Education Instruction & Programs Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Lamberth moved that all members voting aye on House Bill No. 1169 be added as co-prime sponsors with Speaker Harwell listed first, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Butt, Holt, Pody and Ragan.

Rep. Swann moved that **House Bill No. 1169**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 88
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 88

A motion to reconsider was tabled.

PRESENT IN CHAMBER

Rep. Holsclaw was recorded as being present in the Chamber.

REGULAR CALENDAR NO. 2, CONTINUED

House Bill No. 413 -- Physicians and Surgeons - As introduced, prohibits certain adverse actions against a physician on the basis of the physician's failure to maintain specialty board certification or maintenance of licensure under a framework established by the Federation of State Medical Boards. - Amends TCA Title 33; Title 56, Chapter 7; Title 63, Chapter 6; Title 63, Chapter 9 and Title 68. by *Williams, *Hawk, *Eldridge, *White M, *Jernigan, *Howell, *Staples, *Coley, *Terry, *Holsclaw, *Thompson. (*SB298 by *Briggs, *Overbey, *Haile, *Dickerson, *Bowling, *Bailey)

On motion, House Bill No. 413 was made to conform with **Senate Bill No. 298**; the Senate Bill was substituted for the House Bill.

Rep. Williams moved that Senate Bill No. 298 be passed on third and final consideration.

Rep. C. Sexton moved that Health Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Sargent moved adoption of Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

Amendment No. 2

AMEND Senate Bill No. 298 by deleting subsection (b) from Section 3 and substituting instead the following language:

(b) The speaker of the house of representatives shall appoint three (3) members of the house of representatives to the task force. The speaker of the senate shall appoint three (3) members of the senate to the task force.

On motion, Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Williams moved that **Senate Bill No. 298**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 89
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulse, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 89

A motion to reconsider was tabled.

House Bill No. 261 -- Administrative Procedure (UAPA) - As introduced, continues permanent rules filed with the secretary of state after January 1, 2016; schedules auctioneer commission rule defining "timed listings" for purposes of online auctions to expire on the effective date of the act. by *Faison, *Ragan. (*SB53 by *Bell)

Further consideration of House Bill No. 261, previously considered on May 8, 2017, at which time the House adopted Amendment No. 1, and it was re-referred to the Committee on Calendar and Rules.

Rep. Faison moved that House Bill No. 261 be passed on third and final consideration.

Rep. Carter moved adoption of House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 261 by adding the following language as a new SECTION 2 and renumbering the subsequent sections accordingly:

SECTION 2. The department of revenue shall be prohibited from collecting any internet sales or use taxes authorized under department rule 1320-05-01 and permitted under a ruling of any court, until such court's ruling has been fully reviewed and approved by the government operations committees of the house of representatives and the senate pursuant to § 4-5-226.

Rep. Carter moved that House Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Carter moved that House Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Sargent moved that Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 4, be withdrawn, which motion prevailed.

Rep. Sargent moved adoption of Finance, Ways & Means Committee Amendment No. 2, as House Amendment No. 5, as follows:

Amendment No. 5

AMEND House Bill No. 261 by adding the following language as a new SECTION 2 and renumbering the subsequent sections accordingly:

SECTION 2. The department of revenue shall be prohibited from collecting any internet sales or use taxes authorized under department rule 1320-05-01-.129(2) and permitted under a ruling of any court, until such court's ruling has been fully reviewed and rule 1320-05-01.129(2) has been approved by the government operations committees of the house of representatives and the senate pursuant to § 4-5-226.

On motion, Finance, Ways & Means Committee Amendment No. 2, as House Amendment No. 5, was adopted.

Rep. Faison requested that House Bill No. 261 be moved down one space on today's Calendar, which motion prevailed.

House Bill No. 1368 -- Public Employees - As introduced, increases the compensation from \$25,000 to a \$250,000 annuity payable in five annual installments of \$50,000, paid to the estate of a firefighter, volunteer rescue squad worker, or law enforcement officer who dies in the line of duty. - Amends TCA Title 7, Chapter 51, Part 2; Title 9 and Title 68, Chapter 140. by *Sargent, *Whitson, *Hardaway, *Powers, *Carr, *Gant, *Rudd, *Brooks K. (*SB1059 by *Bowling, *Massey, *Bailey)

On motion, House Bill No. 1368 was made to conform with **Senate Bill No. 1059**; the Senate Bill was substituted for the House Bill.

Rep. Sargent moved that Senate Bill No. 1059 be passed on third and final consideration.

Rep. Hulsey moved adoption of State Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1059 by deleting the language "five-hundred-thousand-dollar annuity" in Section 1(c) and substituting instead the language "two-hundred-fifty-thousand-dollar annuity".

On motion, State Government Committee Amendment No. 1 was adopted.

Rep. Hulsey moved that the House reconsider its action in adopting House Amendment No. 1, which motion prevailed.

Rep. Hulsey moved that State Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Sargent moved that **Senate Bill No. 1059** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes.....	0

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 89

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **Senate Bill No. 1059** and have this statement entered in the Journal: Rep. Ragan.

REGULAR CALENDAR NO. 2, CONTINUED

House Bill No. 261 -- Administrative Procedure (UAPA) - As introduced, continues permanent rules filed with the secretary of state after January 1, 2016; schedules auctioneer commission rule defining "timed listings" for purposes of online auctions to expire on the effective date of the act. by *Faison, *Ragan. (*SB53 by *Bell)

Further consideration of House Bill No. 261, previously considered on May 8, 2017, at which time the House adopted Amendment No. 1, re-referred it to the Committee on Calendar and Rules, and on today's Regular Calendar No. 2.

Rep. Sargent moved that the House reconsider its action in withdrawing House Amendment No. 4, which motion prevailed.

Rep. Sargent moved adoption of Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 4, as follows:

Amendment No. 4

AMEND House Bill No. 261 by deleting subsection (c) in SECTION 1 and substituting instead the following:

(c) Notwithstanding subsection (a) or title 4, chapter 5, part 2, Tennessee Auctioneer Commission Rule 0160-01-.28, relative to online auctions, and filed in the office of secretary of state on September 6, 2016, shall expire on the effective date of this act.

On motion, Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 4, was adopted.

Rep. K. Brooks moved the previous question, which motion prevailed.

Rep. Faison moved that **House Bill No. 261**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 86
Noes..... 3

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio,

Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Holsclaw, Holt, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 86

Representatives voting no were: Hardaway, Hill T., Rudd -- 3

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **House Bill No. 261** and have this statement entered in the Journal: Rep. Daniel.

REGULAR CALENDAR NO. 2, CONTINUED

***House Bill No. 22** -- Local Education Agencies - As introduced, requires, beginning with the 2018-2019 school year, each LEA to offer students in each of its high schools the opportunity to take at least six early postsecondary credit courses. - Amends TCA Title 49. by *Brooks H, *Cooper. (SB248 by *Tracy)

Rep. H. Brooks moved that House Bill No. 22 be passed on third and final consideration.

Rep. Forgety moved adoption of Education Instruction & Programs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 22 by deleting the language after the enacting clause and substituting instead:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 4, is amended by adding the following language as a new section:

(a) Beginning with the 2018-2019 school year, every LEA shall make available to students enrolled in its high schools opportunities to take, prior to graduation from high school, at least six (6) early postsecondary credit courses, including Advanced Placement, International Baccalaureate, or dual credit courses. For the purposes of this section, early postsecondary credit courses may include courses taken through a dual enrollment program as defined in § 49-15-102(3). These opportunities may be provided through traditional classroom instruction, online or virtual instruction, blended learning, or other educationally appropriate methods.

(b) LEAs are encouraged to partner with other LEAs or institutions of higher education to provide early postsecondary credit courses.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Education Instruction & Programs Committee Amendment No. 1 was adopted.

Rep. K. Brooks moved adoption of Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

Amendment No. 2

AMEND House Bill No. 22 by deleting all language after the enacting clause and substituting instead the following: SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 4, is amended by adding the following language as a new section:

(a) Beginning with the 2018-2019 school year, every LEA shall make available to students enrolled in its high schools opportunities to take at least four (4) early postsecondary opportunities, as defined by the department of education.

These opportunities may be provided through traditional classroom instruction, online or virtual instruction, blended learning, or other educationally appropriate methods.

(b) LEAs are encouraged to partner with other LEAs or institutions of higher education to provide early postsecondary credit courses.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. H. Brooks moved that **House Bill No. 22**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 88
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Love, Lynn, Marsh, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 88

A motion to reconsider was tabled.

House Bill No. 869 -- Food and Food Products - As introduced, requires commissioner of agriculture to promulgate rules to exempt from the Tennessee Meat and Poultry Inspection Act any livestock producers who are acting in compliance with the Federal Meat Inspection Act. - Amends TCA Title 53, Chapter 7. by *Holsclaw, *Eldridge. (*SB343 by *Niceley)

On motion, House Bill No. 869 was made to conform with **Senate Bill No. 343**; the Senate Bill was substituted for the House Bill.

Rep. Holsclaw moved that **Senate Bill No. 343** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 87
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Love, Lynn, Marsh, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 87

A motion to reconsider was tabled.

REGULAR CALENDAR NO. 3

***House Bill No. 1367** -- Taxes, Ad Valorem - As introduced, for property tax assessment purposes, changes the classification of property of certain local exchange telephone companies and telephone cooperatives from public utility to industrial and commercial property; discontinues the telecommunications ad valorem tax reduction fund. - Amends TCA Title 67, Chapter 5 and Title 67, Chapter 6. by *Sargent. (SB1363 by *Bailey, *Ketron)

Rep. Sargent moved that House Bill No. 1367 be passed on third and final consideration.

Rep. Carr moved that Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. K. Brooks moved adoption of Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

Amendment No. 2

AMEND House Bill No. 1367 by deleting all language after the enacting clause and substituting instead the following:

1999

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

SECTION 1. Tennessee Code Annotated, Section 67-5-501, is amended by adding the following language as a new, appropriately designated subdivision:

() "Modern market telecommunications provider" means:

(A) An incumbent local exchange telephone company that elects market regulation pursuant to § 65-5-109;

(B) A telephone cooperative organized pursuant to § 65-29-102;
or

(C) A nongovernmental entity or separate operating division within the entity if the business activity of the entity or division is limited to providing:

(i) Competitive local exchange telephone services; or

(ii) Interconnected voice over internet protocol services;

SECTION 2. Tennessee Code Annotated, Section 67-5-501(8)(B), is amended by adding the following language as a new subdivision:

(iv) Modern market telecommunications providers;

SECTION 3. Tennessee Code Annotated, Section 67-5-502, is amended by deleting subsections (b) and (c) and substituting instead the following:

(b) The property of all street railroad, gas, electric light companies, modern market telecommunications providers, and all public utility companies, including their franchises, used within any town, city, or taxing district where the office of the company is located outside of such incorporated city or town or taxing district, but with the main property within the city, shall be taxed in the city, town, or taxing district as if the office was situated within the city limits, and the property, including franchises of the corporations and joint stock companies that lie wholly or mainly within any incorporated city, taxing district, or town, or whose chief business is within any incorporated city, taxing district, or town, shall be assessed for taxation in such city, taxing district, or town; provided, that all real property and tangible personal property shall be taxed in the district where situated; and provided further, that public utility property of every kind, whether real property, tangible personal property, or intangible personal property, shall all be assessed for taxes at fifty-five percent (55%) of its value and that all property of modern market telecommunications providers shall be assessed at the rate applicable to commercial and industrial property of the same type.

(c) Leased personal property used by a public utility company or modern market telecommunications provider shall be assessed to such company or provider, unless such property is the subject of a lawful agreement between the lessee and a local government for payments in lieu of taxes. Other leased personal property shall be classified according to the lessee's use and assessed

to the lessee, unless such property is the subject of a lawful agreement between the lessee and a local government for payments in lieu of taxes. Personal property that is leased to and used by any religious, charitable, scientific, or nonprofit educational institution purely and exclusively for one (1) or more of the purposes for which the institution was previously determined to be exempt under § 67-5-212 shall not be deemed to be used in a business or profession, and shall not be classified as industrial or commercial property for property tax purposes.

SECTION 4. Tennessee Code Annotated, Section 67-5-1301(a), is amended by adding the following language as a new subdivision:

() Modern market telecommunications providers;

SECTION 5. Tennessee Code Annotated, Section 67-5-1302, is amended by deleting the second sentence of subdivision (a)(1) and substituting instead the following:

Such operating property which is used predominantly to provide cellular telephone service, radio common carrier service, or long distance telephone service, or which is used by a modern market telecommunications provider, shall be assessed at the rate applicable to commercial and industrial property of the same type.

SECTION 6. Tennessee Code Annotated, Section 67-5-1302, is amended by deleting subdivision (b)(1) and substituting instead the following:

(1) The assessments of public utility property or property of modern market telecommunications providers, as set by the comptroller of the treasury in accordance with subsection (a), shall be adjusted, where necessary, on the basis of appropriate ratios, as are determined by the board of equalization for purposes of equalizing the values of such property to the prevailing level of value of property in each jurisdiction; provided, that no equalization factor for purposes of this section may exceed a factor of one (1.000).

SECTION 7. Tennessee Code Annotated, Section 67-5-1329, is amended by deleting subsection (b) and substituting instead the following:

(b) If any railroad, public utility, or modern market telecommunications provider has been or is hereafter aggrieved at the assessment so fixed and certified by the board, such taxpayer shall be required to pay the taxes due and owing the state, counties, and municipalities, upon the full value of the assessment, under protest. Upon termination of any proceedings that may be instituted in any of the courts of this state or in any of the courts of the United States by such taxpayer to review such assessment, the state, counties and municipalities, and any school district, road district, or other taxing district to which such taxes have been paid, shall refund in cash and with interest, such part of the taxes so paid to it as may be adjudged to be excessive or illegal by any final decree or order entered in any such proceeding, or in default of such refund, such taxpayer is authorized to take credit for the amount of such illegal or excessive tax, with interest, against any tax thereafter becoming due from and

payable by such taxpayer, to the state, or any county, municipality, road district, school district, or any other taxing district authorized by law to levy taxes.

SECTION 8. Tennessee Code Annotated, Section 67-5-1601, is amended by deleting subsection (h) and substituting instead the following:

(h)

(1) There shall also be an updating of the localized and nonoperating real property of public utilities and modern market telecommunications providers in each county, and such must be accomplished in the same year as other locally assessed properties.

(2) All assessing and updating of operating properties of public utility companies and modern market telecommunications providers must be done by the comptroller of the treasury in accordance with part 13 of this chapter.

(3) All expenses for assessing and updating of operating properties of public utilities and modern market telecommunications providers must be paid by the comptroller of the treasury.

SECTION 9. Tennessee Code Annotated, Section 67-5-1606, is amended by deleting subsection (c) and substituting instead the following:

(c) The state board of equalization shall each year certify to the comptroller of the treasury appraisal levels, as are determined by the board for each county, to be used by the commission for purposes of computing the assessments of public utility properties and operating properties of modern market telecommunications providers.

SECTION 10. Tennessee Code Annotated, Section 67-5-2003, is amended by deleting subsection (i) and substituting instead the following:

(i) Delinquent public utility taxes and taxes owed by modern market telecommunications providers shall not be immediately collected under this section if the local assessment includes any real property. The trustee or collector shall confirm with the comptroller of the treasury whether such taxpayer's local assessment includes any real property.

SECTION 11. Tennessee Code Annotated, Section 67-5-2801, is amended by deleting subsection (b) and substituting instead the following:

(b) In order to waive the enforcement and collection of taxes, including penalties, interest, or attorney fees and costs, imposed on public utility personal property or personal property of modern market telecommunications providers, the trustee or collector must first confirm with the comptroller of the treasury that such taxpayer's local assessment only includes personal property and does not include any real property. If such taxpayer is still operating, then no waiver may

be requested or approved even if the local assessment only includes personal property and no personal property can be found in the trustee's or the collector's jurisdiction. If such taxpayer has ceased all operations and the local assessment does not include any real property, then the trustee or the collector may request a waiver in accordance with subdivisions (a)(1)-(3).

SECTION 12. Tennessee Code Annotated, Section 67-6-221, is amended by deleting subsection (b) and substituting instead the following:

(b) The revenue from a rate equal to one-half percent (0.5%) of the tax shall be deposited in the general fund. The remainder of the revenue generated from the tax imposed by subsection (a) shall be distributed to municipalities and counties in accordance with subsection (c) to mitigate the impact on local governments as the result of assessing the operating property of modern market telecommunications providers as commercial and industrial property rather than as public utility property. The department of revenue shall hold all such revenue until it is first distributed to the local governments on March 20, 2018, or as soon thereafter as possible, to allow sufficient time to determine the correct distribution of revenue under subsection (c).

(c) On or before January 1, 2018, the office of state assessed properties in the office of the comptroller of the treasury shall calculate, for each local government levying an ad valorem property tax, the difference in property tax revenue or comparable in lieu of tax payments received for tax year 2017 that results from assessing the operating property of modern market telecommunications providers as commercial and industrial property rather than as public utility property. These calculations shall be used to calculate each local government's percentage share of the total reduction in such revenue for tax year 2017 and these percentages shall be forwarded to the department of revenue by January 1, 2018. For all periods beginning on or after June 1, 2017, the department shall distribute the revenue generated from the tax imposed under subsection (a), other than the revenue earmarked for the general fund under subsection (b), to the local governments in proportion to each local government's percentage share of the total difference in property tax and in lieu of tax revenue for tax year 2017, as reported to the department by the office of state assessed properties pursuant to this subsection (c).

(d)

(1) Beginning January 1, 2018, notwithstanding any law to the contrary, every modern market telecommunications provider shall pay an annual privilege tax for the privilege of competing with public utilities to provide telecommunications services in this state.

(2) Except as otherwise provided in subdivision (d)(3), the amount of tax imposed under this subsection (d) shall be equal to the sum of:

(A) The taxpayer's pro rata share percentage multiplied, as applicable, by:

(i) Four million dollars (\$4,000,000), for the tax imposed in 2018;

(ii) Three million dollars (\$3,000,000), for the tax imposed in 2019;

(iii) Two million dollars (\$2,000,000), for the tax imposed in 2020;

(iv) One million dollars (\$1,000,000), for the tax imposed in 2021; and

(v) Zero dollars (\$0.00), for the tax imposed in 2022; and

(B) The taxpayer's pro rata share percentage multiplied, as applicable, by:

(i) Seven hundred fifty thousand dollars (\$750,000), for the tax imposed in 2018, 2019, and 2020; and

(ii) Five hundred thousand dollars (\$500,000), for the tax imposed in 2021 and 2022.

(3) The total privilege tax imposed on a taxpayer under this subsection (d) shall not exceed the difference between:

(A) The aggregate ad valorem taxes and in lieu of tax payments paid by such taxpayer to political subdivisions of this state during the prior tax year; and

(B) The net amount of ad valorem tax and in lieu of tax payments such taxpayer would have paid in the prior tax year had its operating property been classified as public utility property, less the amount of the most recent payment such taxpayer received under § 67-6-222(b).

(4) Any taxpayer claiming that subdivision (d)(3) applies to limit its privilege tax liability for a particular tax year shall notify the department of revenue of such claim in the manner prescribed by the department and must prove by clear and convincing evidence that such limitation applies.

(5) The privilege tax shall be reported and paid annually to the department of revenue on or before April 20 of each year in the manner prescribed by the department. On or before March 1, 2018, the department shall coordinate with the office of state assessed properties in the office of the comptroller of the treasury to calculate the pro rata share percentage of each taxpayer subject to the privilege tax imposed by this

subsection (d) and shall send notice to each such taxpayer providing the taxpayer with its pro rata share percentage and prescribing the manner in which the taxpayer must report and pay the privilege tax imposed by this subsection (d).

(6) Notwithstanding any law to the contrary, all moneys received by the department of revenue under this subsection (d) shall be distributed in the following manner:

(A) The revenue from the portion of the tax calculated under subdivision (d)(2)(A) shall be deposited in the general fund; and

(B) The revenue from the portion of the tax calculated under subdivision (d)(2)(B) shall be distributed to the local governments in the same proportion that revenue is distributed to local governments under subsection (c).

(7) Any moneys received from a taxpayer that prove by clear and convincing evidence that the limit set forth in subdivision (d)(3) applies for a particular tax year shall be deposited in the general fund and distributed to the local governments in the same relative proportion as those moneys would have been deposited in the general fund under subdivision (d)(6)(A) and distributed to the local governments under subdivision (d)(6)(B) in the same tax year if the limitation on privilege tax liability had not applied.

(8) This subsection (d) shall be repealed on December 31, 2022. No privilege tax shall be levied under this subsection (d) after December 31, 2022. This subdivision (d)(8) shall not absolve any taxpayer of liability for any tax levied under this subsection (d) prior to December 31, 2022.

(9) This subsection (d) shall not apply to a municipal or similar provider of broadband services that makes in lieu of tax payments pursuant to title 7, chapter 52, part 4 or 6, or that makes similar in lieu of tax payments pursuant to a private act.

(e) When any person fails to correctly report on a return the person's sales of interstate or international telecommunications services subject to tax under subsection (a), there shall be imposed a penalty in the amount of ten percent (10%) of the taxes due on such sales or twenty-five percent (25%) of the taxes due on such sales if the commissioner determines that the failure to correctly report such sales is the result of gross negligence. The commissioner may waive such penalty, in whole or in part, if the commissioner determines that the failure is not due to gross negligence, intentional disregard for any tax law or rule promulgated under this title, or fraud.

(f) As used in this section:

(1) "Modern market telecommunications provider" means a modern market telecommunications provider, as defined in § 67-5-501, that was operating within the state as of January 1, 2017, and that received an ad valorem tax equity payment under § 67-6-222(b) in at least one (1) of the three (3) years prior to January 1, 2017; and

(2) "Pro rata share percentage" means a taxpayer's pro rata share of the total assessed value of all operating property used by modern market telecommunications providers in the state during tax year 2017.

SECTION 13. Tennessee Code Annotated, Section 67-6-222, is amended by adding the following language as a new subsection:

(c) The telecommunications ad valorem tax reduction fund created by this section is discontinued effective June 2, 2017, subject to the following:

(1) On or before June 1, 2017, the comptroller of the treasury shall make all payments that are required by subsection (b). Any moneys remaining in the telecommunications ad valorem tax reduction fund as of June 1, 2017, that are in excess of the amount necessary to make the payments must be allocated pursuant to § 67-6-103(a); and

(2) No person is entitled to any payment under subdivision (c)(1), unless the payment is claimed on or before May 1, 2017.

SECTION 14. Tennessee Code Annotated, Title 67, Chapter 5, Part 5, is amended by adding the following new section:

Beginning on January 1, 2023, the operating property of a municipal or similar provider of broadband services that provides competitive local exchange telephone services or interconnected voice over internet protocol services through a dedicated telecommunications division and that makes in lieu of tax payments pursuant to title 7, chapter 52, part 4 or 6, or that makes similar in lieu of tax payments pursuant to a private act, and that is currently paying such in lieu of taxes based upon a rate of assessment of fifty-five percent (55%), shall be classified and assessed in the same manner as the operating property of a modern market telecommunications provider for purposes of calculating the in lieu of tax payments to be paid with respect to its operating property used to provide such competitive local exchange telephone services or interconnected voice over internet protocol services.

SECTION 15. Sections 1 through 11 of this act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to all tax periods beginning on or after January 1, 2017. Section 12 of this act shall take effect on June 1, 2017, the public welfare requiring it. All remaining sections of this act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Sargent moved that **House Bill No. 1367**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 88
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Hulse, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Madam Speaker Harwell -- 88

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

House Resolution No. 171 -- Memorials, Recognition - Tim Shaw. by *Beck.

House Resolution No. 172 -- Memorials, Recognition - Sebastian Alexander Motes, Legislative Page, 110th General Assembly. by *Pitts.

House Joint Resolution No. 568 -- Memorials, Retirement - Paula Barnes. by *White D.

House Joint Resolution No. 569 -- Memorials, Academic Achievement - Sydney Hay, Valedictorian, Columbia Central High School. by *Curcio.

House Joint Resolution No. 570 -- Memorials, Academic Achievement - Alexis Secrest, Salutatorian, Columbia Central High School. by *Curcio.

House Joint Resolution No. 571 -- Memorials, Recognition - Former Congresswoman Diane Edith Watson of California, N.O.B.E.L. Women. by *Camper, *Akbari, *Turner, *Cooper, *Favors.

House Joint Resolution No. 572 -- Memorials, Recognition - Former State Senator Gloria Tanner of Colorado, N.O.B.E.L. Women. by *Camper, *Akbari, *Turner, *Cooper, *Favors.

House Joint Resolution No. 573 -- Memorials, Recognition - Former State Senator Diana E. Bajoie of Louisiana, N.O.B.E.L. Women. by *Camper, *Akbari, *Turner, *Cooper, *Favors.

2007

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House Joint Resolution No. 574 -- Memorials, Recognition - Former State Senator Margaret Louise Carter of Oregon, N.O.B.E.L. Women. by *Camper, *Akbari, *Turner, *Cooper, *Favors.

House Joint Resolution No. 575 -- Memorials, Recognition - Mayor Sharon Weston-Broome of Baton Rouge, Louisiana, N.O.B.E.L. Women. by *Camper, *Akbari, *Turner, *Cooper, *Favors.

House Joint Resolution No. 576 -- Memorials, Recognition - State Representative Laura Hall of Alabama, N.O.B.E.L. Women. by *Camper, *Akbari, *Turner, *Cooper, *Favors.

House Joint Resolution No. 578 -- Memorials, Academic Achievement - Elizabeth A. Mulhearn, Valedictorian, Central High School. by *Hardaway.

House Joint Resolution No. 577 -- Memorials, Academic Achievement - Roland Donnelly-Bullington, Salutatorian, Central High School. by *Hardaway.

Senate Joint Resolution No. 441 -- Memorials, Academic Achievement - Jasper "Jax" Stanfill, Salutatorian, Culleoka Unit School. by *Hensley.

Senate Joint Resolution No. 442 -- Memorials, Academic Achievement - Blaine Farmer, Valedictorian, Culleoka Unit School. by *Hensley.

Senate Joint Resolution No. 443 -- Memorials, Death - Daniel McKenzie Speer. by *Hensley.

Senate Joint Resolution No. 444 -- Memorials, Retirement - Dr. Karen M. Sowers. by *Massey.

Senate Joint Resolution No. 446 -- Memorials, Retirement - Don Alexander. by *Bailey.

Rep. Beck moved that all members voting aye on House Resolution No. 171 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Reps. Butt, Holt, Pody and Ragan.

Rep. Hardaway moved that all members voting aye on House Joint Resolutions Nos. 578 and 577 be added as co-prime sponsors with the Shelby County delegation listed first, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Reps. Butt, Holt, Pody and Ragan.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes 90
Noes..... 0

2008

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Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Madam Speaker Harwell -- 90

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGES

***House Bill No. 671** -- Election Laws - As introduced, authorizes certain members of a board of public utilities to serve as a member of a county election commission; prescribes the process for certifying new voting systems for use in this state. - Amends TCA Section 2-1-112 and Section 2-9-117. by *Carr.

CONFERENCE COMMITTEE APPOINTED ON HOUSE BILL NO. 671

Pursuant to **Rule No. 73**, Representative Carr moved that the Speaker appoint a new Committee of the House to meet with the like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 671, which motion prevailed.

The Speaker appointed Representatives Carr, Weaver and Miller as the House members of the Conference Committee on House Bill No. 671.

RULES SUSPENDED

Rep. Casada moved that the rules be suspended in order to allow **House Bill No. 1067** to be heard in the Finance, Ways & Means Subcommittee, the Finance, Ways & Means Committee and then the Committee on Calendar and Rules this week, which motion prevailed.

RECESS MOTION

Rep. Williams moved that the House stand in recess 5:30 p.m., which motion prevailed.

RECESS EXPIRED

The recess having expired, the House was called to order by Madam Speaker Harwell.

ROLL CALL DISPENSED

2009

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On motion of Rep. Casada the roll call was dispensed with.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGES

House Bill No. 192 -- Education - As introduced, modifies current language from requiring full fire drills to occur once in the first 30 days of the school year and one every two months to require such drills to occur four times each year with the first one occurring in the first 14 full school days and the remaining to occur unannounced. - Amends TCA Title 49 and Title 68, Chapter 102, Part 1. by *Sanderson. (*SB136 by *Jackson)

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 192**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 192 (Senate Bill No. 136) has met and recommends that the following amendments be deleted: House Amendment #1 (drafting code 3810) and Senate Amendment #1 (drafting code 6256).

The Committee further recommends that the following be adopted:

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-102-137(b), is amended by deleting the first sentence of the section in its entirety and substituting instead the following language:

Fire drills requiring full evacuation in educational occupancies where such occupancies constitute the major occupancy of a building shall be held at least one (1) time every thirty (30) school days, with two (2) fire drills occurring during the first thirty (30) full days of the school year. Additionally, four (4) fire safety educational announcements will be conducted throughout the year. The LEA will develop the content of the educational announcements. Fire drills requiring full evacuation shall be held at least once every two (2) months in institutional occupancies where such occupancies constitute the major occupancy of a building.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

/s/ Senator Ed Jackson

/s/ Representative Bill Sanderson

/s/ Senator Jim Tracy

/s/ Representative Harry Brooks

/s/ Senator Jeff Yarbrow

/s/ Representative Darren Jernigan

2010

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Rep. Sanderson moved that the Report of the Conference Committee on **House Bill No. 192** be adopted and made the action of the house, which motion prevailed by the following vote:

Ayes	75
Noes	10

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Fitzhugh, Forgety, Gant, Gilmore, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Holsclaw, Jernigan, Johnson, Jones, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matlock, McDaniel, Miller, Moody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Weaver, White M., Whitson, Williams, Madam Speaker Harwell -- 75

Representatives voting no were: Crawford, Goins, Hill M., Hill T., Holt, Hulse, Mitchell, Pody, Van Huss, White D. -- 10

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 711 -- Orders of Protection - As introduced, allows the respondent to an ex parte order of protection to waive the right to a hearing on the order within 15 days of issuance if the respondent acknowledges that the ex parte order will remain in effect until the hearing is held and the court finds that the interests of justice require the continuance of the hearing. - Amends TCA Title 36, Chapter 3, Part 6. by *Whitson, *Carter, *Hardaway. (*SB358 by *Johnson)

Rep. Whitson moved that the House non-concur in Senate Amendment No. 2 to **House Bill No. 711**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 975** -- State Employees - As introduced, requires each department to report the number of preferred service employees in the department affected by a reduction-in-force during the previous fiscal year to the chairs of the state government committee of the house of representatives and the state and local government committee of the senate. - Amends TCA Title 4; Title 8; Title 9, Chapter 4, Part 53; Title 10; Title 11; Title 12; Title 41; Title 50 and Title 54. by *Hawk, *Farmer, *Keisling. (SB1390 by *Hensley, *Bowling)

Senate Amendment No. 2

AMEND House Bill No. 975 by adding the following section immediately preceding the last section and renumbering the last section accordingly:

2011

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SECTION ____ Tennessee Code Annotated, Title 4, Chapter 3, Part 1, is amended by adding the following new section:

(a) Not less than thirty (30) days before a department or agency of state government executes a state professional facilities management contract for services within a state legislative district that would result in the outsourcing of facilities management services to private, non-state government entities, the respective department or agency shall notify each member of the general assembly representing such district of the contract.

(b) In addition, on an annual basis, the department of general services shall provide a facilities management status report to the governor, speaker of the senate, and speaker of the house of representatives. The report shall include, but not be limited to, the following information:

(1) The departments or agencies executing a state contract for professional facilities management;

(2) The number of state employees impacted by such contract;

(3) The estimated cost savings of such contract; and

(4) The cost savings realized by any such contract in place for one (1) year or greater.

Rep. Hawk moved that the House concur in Senate Amendment No. 2 to **House Bill No. 975**, which motion prevailed by the following vote:

Ayes	78
Noes	7

Representatives voting aye were: Akbari, Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Coley, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Hulsey, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matlock, McDaniel, Miller, Moody, Pody, Powers, Ragan, Reedy, Rogers, Rudd, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Swann, Terry, Thompson, Tillis, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 78

Representatives voting no were: Beck, Clemmons, Jones, Mitchell, Powell, Staples, Stewart -- 7

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "no" to "aye" on motion to concur in Senate Amendment No. 2 to **House Bill No. 975** and have this statement entered in the Journal: Rep. Clemmons.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 1306** -- General Assembly - As introduced, creates a special joint committee to study issues relating to the investigation and prosecution of unsolved civil rights crimes and cold cases from the civil rights era. - Amends TCA Title 3, Chapter 1, Part 1. by *Turner, *Hardaway, *Parkinson, *Mitchell, *Jernigan, *Thompson, *Akbari, *Favors, *Gilmore, *Clemmons, *Towns, *Staples, *Cooper, *Love, *Ramsey. (SB1279 by *Norris, *Harris, *Yarbro, *Dickerson)

Senate Amendment No. 1

AMEND House Bill No. 1306 by adding the following language immediately after the existing language in subsection (f) of SECTION 1:

The special joint committee shall meet only on days in which the general assembly has scheduled a floor session to consider legislation or on days standing committees of the general assembly are scheduled to meet.

AND FURTHER AMEND by deleting the word "January" in subsection (g) of SECTION 1 and substituting instead the word "April".

Rep. Turner moved that the House concur in Senate Amendment No. 1 to **House Bill No. 1306**, which motion prevailed by the following vote:

Ayes	79
Noes.....	5
Present and not voting.....	1

Representatives voting aye were: Akbari, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Crawford, Curcio, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Hulsey, Jernigan, Johnson, Jones, Keisling, Kumar, Lollar, Love, Lynn, Marsh, Matlock, McDaniel, Miller, Mitchell, Moody, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary -- 79

Representatives voting no were: Daniel, Holt, Kane, Lamberth, Littleton -- 5

Representatives present and not voting were: Alexander -- 1

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 3

House Resolution No. 170 -- Memorials, Retirement - Connie Johnson Gwinn. by *Mitchell.

House Joint Resolution No. 579 -- Memorials, Recognition - African American Heritage Society of Rutherford County. by *Sparks, *Rudd, *Townes, *Casada, *Miller.

OBJECTION--CONSENT CALENDAR

Objection was filed to the following on the Consent Calendar:

House Joint Resolution No. 579: by Rep. Hardaway

Under the rules, House Joint Resolution No. 579, was placed at the heel of the calendar for May 9, 2017.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	84
Noes.....	4
Present and not voting.....	1

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Lollar, Love, Lynn, Marsh, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Zachary, Madam Speaker Harwell -- 84

Representatives voting no were: Gant, Littleton, Sexton C., Williams -- 4

Representatives present and not voting were: Holt -- 1

A motion to reconsider was tabled.

REGULAR CALENDAR, LAST CALENDAR

House Resolution No. 62 -- Memorials, Recognition - World Relief Nashville. by *Clemmons.

Further consideration of House Resolution No. 62, previously considered on the Consent Calendar for March 2, 2017, it was reset for the Regular Calendar for March 6, 2017, at which time it was reset for the last Regular Calendar.

Rep. Clemmons moved adoption of House Resolution No. 62.

Rep. Casada moved that **House Resolution No. 62** be reset to 2018, which motion prevailed by the following vote:

Ayes	60
Noes.....	24

Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Coley, Crawford, Curcio, Daniel, Dunn, Eldridge, Forgety, Gant, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lynn, Marsh, Matlock, McCormick, McDaniel, Pody, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Sherrell, Smith, Swann, Terry, Tillis, Travis, Van Huss, Weaver, White D., White M., Williams, Zachary, Madam Speaker Harwell -- 60

Representatives voting no were: Akbari, Beck, Camper, Clemmons, Cooper, Doss, Farmer, Fitzhugh, Gilmore, Hardaway, Hulse, Jernigan, Jones, Miller, Mitchell, Moody, Parkinson, Powell, Shaw, Staples, Stewart, Thompson, Towns, Turner -- 24

A motion to reconsider was tabled.

***House Bill No. 1067** -- Medical Occupations - As introduced, establishes a special mechanism for licensure actions for healthcare practitioners involved with substance abuse. - Amends TCA Title 50, Chapter 9; Title 63 and Title 68. by *Holsclaw, *Faison. (SB1309 by *Crowe)

Rep. Holsclaw moved that House Bill No. 1067 be passed on third and final consideration.

Rep. C. Sexton moved that Health Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. K. Brooks moved adoption of Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

2015

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Amendment No. 2

AMEND House Bill No. 1067 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following as a new section to be appropriately designated:

(a) As used in this section:

(1) "Confirmed drug test" means a confirmed test as defined in § 50-9-103;

(2) "Drug" means a drug as defined in § 50-9-103;

(3) "Employer" means a covered employer, as defined in § 50-9-103, that is a healthcare facility licensed under title 68, chapter 11, part 2, or any other healthcare employer that employs healthcare practitioners; and

(4) "Healthcare practitioner" or "practitioner" means any person required to be licensed, permitted, certified, or authorized:

(A) Under this title by a board or committee under the division of health-related boards specified in § 68-1-101(a)(8), who has humans for patients; or

(B) Under title 68, chapter 24, part 6; or

(C) Under title 68, chapter 140.

(b) A healthcare practitioner violates the practitioner's practice act by refusing to submit to a drug test or testing positive for any drug on any government or private sector preemployment or employer-ordered confirmed drug test for an employer when the practitioner does not have a lawful prescription for using the drug or a valid medical reason for using the drug.

(c)

(1)

(A) If a healthcare practitioner refuses to submit to a drug test or tests positive for any drug on any government or private sector preemployment or employer-ordered confirmed drug test for a covered employer, then this section shall apply to the practitioner.

(B) The practitioner shall be given three (3) business days from the time of notification to the practitioner of the confirmed test result to:

(i) Produce a lawful prescription for the drug or a valid medical reason for using the drug to the employer; or

(ii) Report to the substance abuse peer assistance or treatment program of the appropriate board for the practitioner.

(C) So long as the practitioner obtains and maintains the advocacy of the substance abuse peer assistance or treatment program, unless otherwise required by law, the employer is not required to notify the appropriate board for the practitioner of the violation of the practitioner's practice act.

(2)

(A) Whenever a healthcare practitioner who has been referred by the practitioner's employer or who has self-reported to the substance abuse peer assistance or treatment program of the appropriate board pursuant to subdivision (c)(1) fails to obtain or maintain the advocacy of the program, the program shall report the practitioner to the appropriate board concerning the violation of the practitioner's practice act.

(B)

(i) So long as the practitioner complies with the terms and conditions of a referral to a substance abuse peer assistance or treatment program, the practitioner's license or certificate shall not be suspended or revoked by the appropriate board for a positive result on a confirmed drug test or a refusal to submit to a drug test.

(ii) The board shall suspend the license, certificate, permit, or authorization of a healthcare practitioner who has been referred to the substance abuse peer assistance or treatment program pursuant to this subsection (c) when the practitioner fails to comply with the terms and conditions of the program.

(iii) The board is not prohibited from taking any other disciplinary action authorized by law for conduct other than a positive result on a confirmed drug test or a refusal to submit to a drug test.

(iv) A substance abuse peer assistance or treatment program shall promptly report any failure of a
2017

practitioner who has reported to the program pursuant to this subsection (c) to maintain compliance with the terms and conditions of the program to the appropriate licensing board.

(d) Any drug test used for action pursuant to this section shall comply with the requirements of title 50, chapter 9. The employer of the healthcare practitioner shall promptly report, as determined by rule and subject to subsection (c), a practitioner who tests positive for any drug on a confirmed drug test, or who refuses to submit to a drug test, to the department.

(e) The commissioner of health is authorized to promulgate rules to effectuate the purposes of this section. The rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following as a new section to be appropriately designated:

A quality improvement committee, as defined in § 63-1-150, may share information concerning substance abuse by a healthcare practitioner licensed or certified under this title with another quality improvement committee pursuant to § 63-1-150(d)(3) or § 68-11-272(c)(3) in furtherance of the functions of the committees.

SECTION 3. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following as a new section:

Notwithstanding any law, rule, or policy of a board or the department of health, emergency action by the department or the board under § 4-5-320(c) shall not require the prior approval of the attorney general and reporter.

SECTION 4. Tennessee Code Annotated, Title 50, Chapter 9, is amended by adding the following as a new section:

Notwithstanding this chapter, a covered employer who has employees who are healthcare practitioners for the purposes of Section 1 shall report a healthcare practitioner who tests positive for any drug on any government or private sector preemployment or employer-ordered confirmed drug test, or who refuses to submit to a drug test, to the department of health and the practitioner's licensing or certifying board as required by Section 1.

SECTION 5. This act shall take effect July 1, 2017, the public welfare requiring it.

On motion, Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Holsclaw moved that **House Bill No. 1067**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

2018

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Ayes 88
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Fitzhugh, Forgety, Gant, Gilmore, Goins, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 88

A motion to reconsider was tabled.

House Joint Resolution No. 579 -- Memorials, Recognition - African American Heritage Society of Rutherford County. by *Sparks, *Rudd, *Towns, *Casada, *Miller.

Further consideration of House Joint Resolution No. 579, previously considered on today's Consent Calendar No. 3.

Rep. Sparks moved adoption of House Joint Resolution No. 579.

Rep. Marsh moved the previous question, which motion prevailed.

Rep. Sparks moved adoption of **House Joint Resolution No. 579**, which motion prevailed by the following vote:

Ayes 84
Noes..... 0

Representatives voting aye were: Akbari, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Lamberth, Littleton, Lollar, Lynn, Marsh, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pody, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 84

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
May 9, 2017

MADAM SPEAKER: I am directed to return to the House, House Bill No. 508; substituted for Senate Bill on same subject, amended, and passed by the Senate.

2019

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RUSSELL A. HUMPHREY, Chief Clerk

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 508 -- Firearms and Ammunition - As introduced, creates a private cause of action for a party that is adversely affected by a local ordinance, resolution, policy, rule, or other enactment on firearms that is preempted by state law; prohibits local or state government entities from prohibiting or restricting firearms on state or local property unless certain conditions are met. - Amends TCA Title 29, Chapter 20 and Title 39, Chapter 17, Part 13. by *Lamberth, *Holt, *Casada, *Williams, *Eldridge, *Rogers, *Halford, *Faison, *Goins, *Farmer, *White D, *Hawk, *Butt, *Littleton, *Coley, *Matheny, *Pody, *Rudd, *Powers, *VanHuss, *Hill M, *Hill T, *Ragan, *Sexton J, *Terry, *Gravitt, *Byrd, *Kumar, *Sanderson, *Crawford, *Weaver, *Zachary, *Reedy, *Sherrell, *Gant.

Senate Amendment No. 6

AMEND House Bill No. 508 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1314, is amended by adding the following as new subsections:

(g)

(1) Notwithstanding title 29, chapter 20, a party who is adversely affected by an ordinance, resolution, policy, rule, or other enactment that is adopted or enforced by a county, city, town, municipality, or metropolitan government or any local agency, department, or official that violates this section may file an action in a court of competent jurisdiction against the county, city, town, municipality, or metropolitan government for:

(A) Declaratory and injunctive relief; and

(B) Damages, as provided in subsection (i).

(2) This subsection (g) shall apply to any ordinance, resolution, policy, rule, or other enactment that is adopted or enforced on or after July 1, 2017.

(h) As used in subsection (g), a party is "adversely affected" if:

(1) The party is an individual who:

(A) Lawfully resides within the United States;

2020

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(B) May legally possess a firearm under Tennessee law; and

(C) Is or was subject to the ordinance, resolution, policy, rule, or other enactment that is the subject of an action filed under subsection (g). An individual is or was subject to the ordinance, resolution, policy, rule, or other enactment if the individual is or was physically present within the boundaries of the political subdivision for any reason; or

(2) The party is a membership organization that:

(A) Includes two (2) or more individuals described in subdivision (h)(1); and

(B) Is dedicated in whole or in part to protecting the rights of persons who possess, own, or use firearms for competitive, sporting, defensive, or other lawful purposes.

(i) A prevailing plaintiff in an action under subsection (g) is entitled to recover from the county, city, town, municipality, or metropolitan government the following:

(1) The greater of:

(A) Actual damages, including consequential damages, attributable to the ordinance, resolution, policy, rule, or other enactment; or

(B) Three (3) times the plaintiff's attorney's fees;

(2) Court costs, including fees; and

(3) Reasonable attorney's fees; provided, that attorney's fees shall not be awarded under this subdivision (i)(3) if the plaintiff recovers under subdivision (i)(1)(B).

SECTION 2. Tennessee Code Annotated, Title 29, Chapter 20, Part 2, is amended by adding the following as a new section:

Immunity from suit of all governmental entities is removed for causes of action brought under § 39-17-1314(g)-(i).

SECTION 3. Tennessee Code Annotated, Section 39-17-1359, is amended by adding the following new subsection (g):

(1) Except as provided in subdivision (g)(2), nothing in this section shall

2021

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authorize an entity of local government or a permittee thereof to enact or enforce a prohibition or restriction on the possession of a handgun by a handgun carry permit holder on property owned or administered by the entity unless the following are provided at each public entrance to the property:

(A) Metal detection devices;

(B) At least one (1) law enforcement or private security officer who has been adequately trained to conduct inspections of persons entering the property by use of metal detection devices; and

(C) That each person who enters the property through the public entrance when the property is open to the public and any bag, package, and other container carried by the person is inspected by a law enforcement or private security officer described in subdivision (g)(1)(B) or an authorized representative with the authority to deny entry to the property.

(2) Subdivision (g)(1) does not apply to:

(A) Facilities that are licensed under title 33, 37, or 68;

(B) Property on which firearms are prohibited by § 39-17-1309 or § 39-17-1311(b)(1)(H)(ii);

(C) Property on which firearms are prohibited by § 39-17-1306 at all times regardless of whether judicial proceedings are in progress;

(D) Buildings that contain a law enforcement agency, as defined in § 39-13-519;

(E) Libraries; or

(F) Facilities that are licensed by the department of human services, under title 71, chapter 3, part 5, and administer a Head Start program.

SECTION 4. Tennessee Code Annotated, Section 39-17-1359(f), is amended by deleting the language "This section shall not apply to" and substituting instead the language "Except as provided in subsection (g), this section shall not apply to".

SECTION 5. Tennessee Code Annotated, Section 39-17-1306(a), is amended by deleting the word "room" and substituting instead the word "building".

SECTION 6. This act shall take effect July 1, 2017, the public welfare requiring it.

Rep. Lamberth moved that the House concur in Senate Amendment No. 6 to **House Bill No. 508**, which motion prevailed by the following vote:

Ayes	71
Noes.....	14
Present and not voting.....	1

Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Forgety, Gant, Goins, Gravitt, Halford, Hawk, Hicks, Hill M., Hill T., Holsclaw, Holt, Hulsey, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matlock, McCormick, Moody, Pody, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Sherrell, Smith, Sparks, Swann, Terry, Thompson, Tillis, Towns, Travis, Van Huss, Weaver, White D., White M., Whitson, Williams, Zachary, Madam Speaker Harwell -- 71

Representatives voting no were: Akbari, Camper, Favors, Hardaway, Jernigan, Jones, Love, Miller, Mitchell, Parkinson, Powell, Staples, Stewart, Turner -- 14

Representatives present and not voting were: Gilmore -- 1

A motion to reconsider was tabled.

RECESS MOTION

Rep. Williams moved that the House stand in recess until 7:30 p.m., which motion failed by the following vote:

Ayes	27
Noes.....	53

Representatives voting aye were: Alexander, Beck, Brooks H., Brooks K., Carr, Casada, Curcio, Daniel, Doss, Dunn, Eldridge, Farmer, Hazlewood, Hicks, Hill M., Hill T., Hulsey, Jernigan, Lamberth, McCormick, Sexton C., Shaw, Smith, Terry, Towns, White D., Williams -- 27

Representatives voting no were: Akbari, Butt, Byrd, Calfee, Camper, Carter, Clemmons, Coley, Crawford, Faison, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Holsclaw, Holt, Johnson, Kane, Keisling, Kumar, Lollar, Love, Marsh, Miller, Mitchell, Moody, Parkinson, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sanderson, Sexton J., Sherrell, Sparks, Staples, Stewart, Swann, Thompson, Tillis, Travis, Turner, Van Huss, Weaver, White M., Whitson, Zachary -- 53

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "no" to "aye" on the motion to concur in Senate Amendment No. 3 to **House Bill No. 74** and have this statement entered in the Journal: Rep. Clemmons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 62 Rep. Powell as prime sponsor.

House Bill No. 1307 Rep. Miller as prime sponsor.

**ENROLLED BILLS
May 9, 2017**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 224, 1434, 1438, 1439, 1441, 1444, 1447, 1448, 1449, 1450 and 1451; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
May 9, 2017**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 406, 407, 416, 445 and 447; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**SIGNED
May 9, 2017**

The Speaker announced that she had signed the following: Senate Joint Resolutions Nos. 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 406, 407, 416, 445 and 447.

TAMMY LETZLER, Chief Clerk

**MESSAGE FROM THE SENATE
May 9, 2017**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 449; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

2024

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**SIGNED
May 9, 2017**

The Speaker announced that she had signed the following: Senate Joint Resolution No. 449.

TAMMY LETZLER, Chief Clerk

**MESSAGE FROM THE SENATE
May 9, 2017**

MADAM SPEAKER: I am directed to return to the House, House Bills Nos. 99, 174, 267, 628, 647, 664, 862, 959, 1021, 1164, 1289, 1291, 1373, 1424, 1426, 1436, 1443, 1445, 1446 and 1452; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
May 9, 2017**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 185, 194, 297, 315, 317, 338, 401, 429, 430, 439, 489, 568, 571, 603, 614, 633, 729, 796, 806, 954, 969, 970, 993, 1179, 1192, 1220, 1287, 1321, 1355 and 1362; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**REPORT OF CHIEF ENGROSSING CLERK
May 9, 2017**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 99, 174, 267, 628, 647, 664, 862, 959, 1021, 1164, 1289, 1291, 1373, 1424, 1426, 1436, 1443, 1445, 1446 and 1452; for his action.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE GOVERNOR
May 9, 2017**

MADAM SPEAKER: I am directed by the Governor to return herewith: House Joint Resolutions Nos. 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 460, 461, 462, 463, 464 and 465; with his approval.

DWIGHT E. TARWATER, Legal Counsel to the Governor
2025

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**ENGROSSED BILLS
May 9, 2017**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill No. 418;

GREG GLASS, Chief Engrossing Clerk

**SIGNED
May 9, 2017**

The Speaker announced that she had signed the following: Senate Bills Nos. 185, 194, 297, 315, 317, 338, 401, 429, 430, 439, 489, 568, 571, 603, 614, 633, 729, 796, 806, 954, 969, 970, 993, 1179, 1192, 1220, 1287, 1321, 1355 and 1362.

TAMMY LETZLER, Chief Clerk

**ENGROSSED BILLS
May 9, 2017**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill No. 331;

GREG GLASS, Chief Engrossing Clerk

**ENGROSSED BILLS
May 9, 2017**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill No. 1306;

GREG GLASS, Chief Engrossing Clerk

**ENGROSSED BILLS
May 9, 2017**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill No. 466;

GREG GLASS, Chief Engrossing Clerk

**ENGROSSED BILLS
May 9, 2017**

TUESDAY, MAY 9, 2017 -- THIRTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill No. 810;

GREG GLASS, Chief Engrossing Clerk

**ENGROSSED BILLS
May 9, 2017**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill No. 1276;

GREG GLASS, Chief Engrossing Clerk

**ENGROSSED BILLS
May 9, 2017**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill No. 910;

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
May 9, 2017**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 494, 786, 789, 802, 897, 1184 and 1189; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**ENGROSSED BILLS
May 9, 2017**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill No. 1381;

GREG GLASS, Chief Engrossing Clerk

**ENGROSSED BILLS
May 9, 2017**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill No. 553;

GREG GLASS, Chief Engrossing Clerk

**SIGNED
May 9, 2017**

2027

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TUESDAY, MAY 9, 2017 -- THIRTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

The Speaker announced that she had signed the following: Senate Bills Nos. 494, 786, 789, 802, 897, 1184 and 1189.

TAMMY LETZLER, Chief Clerk

**ENGROSSED BILLS
May 9, 2017**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bills Nos. 452, 841 and 1041.

GREG GLASS, Chief Engrossing Clerk

**ENGROSSED BILLS
May 9, 2017**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill No. 333;

GREG GLASS, Chief Engrossing Clerk

**ENGROSSED BILLS
May 9, 2017**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bills Nos. 1453 and 1454; also House Joint Resolutions Nos. 563, 564, 565, 566 and 567.

GREG GLASS, Chief Engrossing Clerk

**ENGROSSED BILLS
May 9, 2017**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bills Nos. 362 and 420.

GREG GLASS, Chief Engrossing Clerk

**ENGROSSED BILLS
May 9, 2017**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill No. 1169;

GREG GLASS, Chief Engrossing Clerk

**ENGROSSED BILLS
May 9, 2017**

2028

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MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bills Nos. 22 and 261.

GREG GLASS, Chief Engrossing Clerk

**ENGROSSED BILLS
May 9, 2017**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill No. 1367;

GREG GLASS, Chief Engrossing Clerk

**ENGROSSED BILLS
May 9, 2017**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolutions Nos. 568, 569, 570, 571, 572, 573, 574, 575, 576, 577 and 578.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
May 9, 2017**

MADAM SPEAKER: I am directed to return to the House, House Bill No. 910; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
May 9, 2017**

MADAM SPEAKER: I am directed to return to the House, House Bill No. 261; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**ENGROSSED BILLS
May 9, 2017**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill No. 1067; and House Joint Resolution No. 579;

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
May 9, 2017**

2029

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MADAM SPEAKER: I am directed to return to the House, House Bill No. 335; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
May 9, 2017**

MADAM SPEAKER: I am directed to return to the House, House Bill No. 531; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
May 9, 2017**

MADAM SPEAKER: I am directed to return to the House, House Bill No. 438; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
May 9, 2017**

MADAM SPEAKER: I am directed to return to the House, House Bill No. 1041; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**SIGNED
May 9, 2017**

The Speaker announced that she had signed the following: House Bills Nos. 74, 224, 1434, 1438, 1439, 1441, 1444, 1447, 1448, 1449, 1450 and 1451.

GREG GLASS, Chief Engrossing Clerk

**ENROLLED BILLS
May 9, 2017**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolutions Nos. 466, 467, 468, 469, 470, 471, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500 and 528; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Chief Engrossing Clerk

**SIGNED
May 9, 2017**

The Speaker announced that she had signed the following: House Joint Resolutions Nos. 466, 467, 468, 469, 470, 471, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500 and 528.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
May 9, 2017**

MADAM SPEAKER: I am directed to return to the House, House Bill No. 1207; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
May 9, 2017**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 466, 467, 468, 469, 470, 471, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500 and 528; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
May 9, 2017**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill No. 558; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

Senate Bill No. 558 -- Education - As introduced, enacts the "Tom Cronan Physical Education Act" to require all public elementary school students to participate in a physical education class at least two times per full calendar week. - Amends TCA Title 49, Chapter 1; Title 49, Chapter 2; Title 49, Chapter 5 and Title 49, Chapter 6. by *Ketrone, *Massey, *Crowe. (*HB372 by *Kane, *Dunn, *Ramsey, *White M, *McCormick, *Smith, *Williams, *Whitson, *Byrd, *Hawk, *Butt, *Reedy, *Kumar, *DeBerry, *Fitzhugh, *McDaniel, *Stewart)

**MESSAGE FROM THE SENATE
May 9, 2017**

MADAM SPEAKER: I am directed to return to the House, House Bill No. 1381; substituted for Senate Bill on same subject and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

MESSAGE FROM THE SENATE

2031

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

May 9, 2017

MADAM SPEAKER: I am directed to return to the House, House Bills Nos. 6, 331, 333, 387, 418, 420, 452, 466, 488, 553, 585, 810, 812, 992, 1013, 1067, 1169, 1276, 1296 and 1322; substituted for Senate Bills on same subjects and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

MESSAGE FROM THE SENATE

May 9, 2017

MADAM SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561 and 562; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

RECESS MOTION

Rep. Williams moved that the House stand in recess until 9:00 a.m. Wednesday, May 10, 2017, which motion prevailed by the following vote:

Ayes	49
Noes.....	37
Present and not voting.....	1

Representatives voting aye were: Akbari, Butt, Byrd, Calfee, Coley, Cooper, Daniel, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Holt, Jones, Kane, Keisling, Lollar, Love, Marsh, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Powell, Powers, Ragan, Rogers, Rudd, Sanderson, Sargent, Sexton J., Sherrell, Sparks, Staples, Swann, Tillis, Towns, Travis, Van Huss, Weaver, White M., Whitson, Zachary -- 49

Representatives voting no were: Alexander, Beck, Brooks H., Brooks K., Camper, Carter, Casada, Clemmons, Curcio, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Hulsey, Jernigan, Johnson, Kumar, Lamberth, Littleton, Reedy, Sexton C., Shaw, Smith, Stewart, Terry, Thompson, Turner, White D., Williams -- 37

Representatives present and not voting were: Crawford -- 1

The House stood in recess until 9:00 a.m., Wednesday, May 10, 2017.